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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, You have revealed in Scripture, through the generations, and in our own experience, that You pour out Your power when there is unity, mutual esteem, and affirmation for the oneness of our patriotism. Bless us with Your Spirit so that we may disagree without being disagreeable, share our convictions without being contentious, and lift up truth without putting anyone down. Help us to seek to convince without coercion, persuade without pressure, motivate without manipulation. May we trust You unreservedly and encourage each other unselfishly.

God, bless America, beginning with these Senators on whom You have placed so much responsibility and from whom the people expect so much. You have brought them to this Senate at this time, not only for what You want to do through them in leading this Nation but also for what You intend to exemplify to the Nation in the way they live and work together. In the name of our Lord. Amen.

PLEDGE OF ALLEGIANCE

The Honorable E. BENJAMIN NELSON led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 18, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. NELSON of Nebraska thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning the Senate will resume consideration of the ESEA conference report with 2 hours and 30 minutes of debate prior to the 12 noon rollcall vote on the conference report.

Following this vote, we hope to have a vote on cloture on the substitute amendment to the farm bill.

There will be a recess following the cloture vote for the weekly party conferences.

Additional rollcall votes are expected as the Senate continues to work on the farm bill.

It goes without saying that we hope this is our last week here before the first of the year.

We expect other votes throughout the day on the farm bill.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NO CHILD LEFT BEHIND ACT OF 2001—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the conference report to accompany H.R. 1. The clerk will report.

The legislative clerk read as follows:

NOTICE

Effective January 1, 2002, the subscription price of the Congressional Record will be \$422 per year or \$211 for six months. Individual issues may be purchased for \$5.00 per copy. The cost for the microfiche edition will remain \$141 per year with single copies remaining \$1.50 per issue. This price increase is necessary based upon the cost of printing and distribution.

Michael F. DiMario, *Public Printer*

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 1, to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind, having met, have agreed the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 2½ hours of debate on the conference report with 2 hours to be equally divided and controlled between the chairman and ranking member or their designees for 15 minutes each for Senators WELLSTONE and JEFFORDS.

Who yields time?

The Senator from Kentucky.

Mr. BUNNING. Mr. President, I rise to talk for a few minutes about the bill before us today—the reauthorization of the Elementary and Secondary Education Act.

First of all, I would like to commend the members of the conference committee who worked for months to reach a final agreement.

In Congress, you very rarely get exactly what you want, and in this bill I think both sides reached a good compromise that will help our children and our schools.

I have 9 kids and 35 grandkids, and I know exactly how important education is.

I know how crucial it is for children to be challenged and encouraged at school. It is one of the most important elements of their development.

Every child in America deserves a good education, and the President is exactly right when he says no child should be left behind. This bill takes a big step in that direction.

It provides increased flexibility of funds, accountability for student achievement and more options for parents. It is a win-win bill for students, parents and schools.

First, the bill gives new options to kids who have been trapped year after year in failing schools.

Schools that do not make adequate yearly progress will face increasingly stiff penalties. For example, students trapped in failing schools will be allowed to transfer to another public school.

Personally, I would have preferred giving children and their parents even more options and given them the choice of going to a private or religious school as well. But there is no doubt the legislation represents a definite improvement over current law.

If a school continues to fail on a long-term basis, students will receive money for supplemental services like tutoring or an after-school program.

Also, I am very pleased the final version of this bill allows supplemental services to be provided by public, private or faith-based organizations. This could be especially important in smaller communities that offer fewer options to kids.

Furthermore, the bill provides that schools that continue to fail students can be completely restructured.

This means they could be taken over by the states or incompetent staff could be fired.

I know this is drastic. No one wants to see anything like this happen. But if it's a choice between helping the kids or protecting a failing school, the choice is clear.

Second, this bill provides states and school districts greater flexibility with federal education dollars.

For years, many of us have argued we need to preserve local control over education and guard against a bigger federal bureaucracy.

It is the local school board and state education officials who know better than anyone in Washington what works in their communities, and this bill represents a fundamental shift toward better education policy.

For instance, the legislation before us allows every local school district and state to transfer certain federal funds among a variety of programs, along with establishing a local Straight A's program which will be available for 150 school districts nationwide.

Straight A's is a great idea that actually lets the local officials direct federal money to their most pressing needs, whether it be hiring more teachers or buying new books, in exchange for meeting certain performance goals.

I hope many schools in Kentucky take advantage of these new opportunities.

If you think about it, we trust our local school officials with our children every day. But more and more, we have not been trusting them to know best how to spend education dollars. That does not make any sense to me and now that is going to change.

This bill also consolidates some existing funding for class size reduction and professional development to give schools more options in improving teacher quality.

Under the legislation, schools will have the ability to help teachers do their jobs better, whether it is reducing class size, providing training or recruiting new teachers.

We all know good teachers are one of the keys to a good education. Now school officials are going to have more tools at their disposal to help teachers do their job.

I have always said teachers have one of the hardest, most important jobs in the world, and too often they do not get the credit they deserve. I hope that starts to change.

I am also glad this bill contains the important Troops to Teachers Program. There are no better role models for kids than men and women who have sacrificed for our country. The conference report is going to continue this program.

Along that same line, the legislation also requires schools to give military recruiters the same access to high school students as job recruiters.

Since September 11, there has been a newfound appreciation by many for our military. I hope many of our young people who feel called to serve their country will take advantage of the benefits the armed services can provide.

Finally, I realize some are concerned funding for the Individuals With Disabilities Education Act was not included in this bill. This is an important program. I have long supported increasing funding for IDEA and for the Federal Government living up to its commitment of full funding at 40 percent.

In fact, under a Republican controlled Congress, IDEA funding has virtually tripled from 1994 to 2001. Although we still have not met our goal and have a long way to go to fully fund this program, I am looking forward to working with my colleagues on reauthorizing IDEA next year.

In conclusion, the bill we have before us is a good proposal. It is not perfect, but there is no doubt about it, it represents a clear improvement over current law. I believe our children, our Nation, and our schools will benefit from it. I look forward to voting for this bill, and I urge my colleagues to do the same.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, a year ago this week, in Texas, I joined several colleagues as the then-chairman of the Senate Education Committee and met with President-elect Bush to discuss education reform.

It is interesting to note that the meeting occurred in Texas, the home of the current President, and the home of our 36th President, Lyndon Johnson, who, in 1965, signed into law the original Elementary and Secondary Education Act.

As we emerged from last year's Austin meeting, we made a bipartisan commitment to write and pass an education reform bill that would raise school accountability and improve student achievement.

With the projection of budget surpluses for as far as the eye could see, it appeared that we would not only set in motion innovative reforms, but we would also match those reforms with new monetary investments.

It has been 362 days since we left that optimistic Austin meeting, and the scenario has dramatically changed. We are not only facing a very different economic reality, but we also have an administration in place that does not support the funding needed to successfully carry out its own education reform initiative.

There is no question that we need to improve our Nation's schools. Results from the recently released National Assessment of Educational Progress show that only 1 in 5—that is only 1 in 5—of this country's high school seniors are proficient in math and science, and only 2 in 5 are proficient in reading.

Further, the Third International Mathematics and Science Study shows

that performance in math and science by U.S. students declines relative to that of students in other nations as students move through the grades of our school system.

Another startling statistic is that almost half of all adults have either dropped out of high school or have not pursued any type of post-secondary education.

Last year, we had to again raise the cap on the number of H-1B visas because this Nation is lacking the skilled employees necessary to meet the workforce demands of the high-tech and health care industries. That is insulting.

I commend the President and the chairmen and ranking members of the House and Senate Education Committees for creating legislation specifically mandating that States and schools must significantly improve performance.

The bill before us imposes very strict mandates on our schools, requiring States to separate achievement data by race, gender, and other subgroups to better identify those students having academic difficulties. This is a very worthy goal and one which I fully support.

However, I fear that this bill, without the sufficient resources, will merely highlight our shortcomings. I fear it will not provide the assistance—both financial and technical—that schools will need to meet the goal of having every student reach their full academic potential.

Educational budgets throughout this Nation are facing severe cuts due, in part, to the recent economic downturn, but also due to the high costs associated with providing students with disabilities special education services.

In Vermont, 92 percent of the children with disabilities, between the ages of 6 and 11, are educated in their neighborhood schools in classrooms with their nondisabled peers. Special education costs in Vermont have increased 150 percent over the past 10 years.

The Federal underfunding of special education leads to State and local districts spending approximately \$20 million more in Vermont from local sources than would be necessary if Federal funding were provided at the level Congress promised in the original law.

In 1975, we, in the Congress, authorized the Federal Government to pay up to 40 percent of each State's excess cost of educating children with disabilities. It has been 26 years since we made that commitment, and we have failed to keep our promise. We are currently providing only 16 percent of the original 40 percent promised.

Earlier this year, during Senate consideration of the ESEA bill, this body unanimously adopted the Harkin-Hagel amendment that required Congress to fully fund IDEA through progressive annual increases. I am extremely disappointed that the final product we are considering today does not include this critical amendment. Without the inclu-

sion of the Harkin-Hagel amendment, and without sufficient funding for the programs outlined in the bill, I am afraid this bill may actually do more harm than good.

The primary feature of H.R. 1 is adequate yearly progress. Under the revamped title I program, every student in every school must be proficient within 12 years. This sounds reasonable. However, at current funding levels, and even with over a billion-dollar increase for title I in the coming year, we will still only be funding less than half of the children who qualify under the title I program.

Since title I was created in the landmark Elementary and Secondary Education Act of 1965, neither Congress nor any administration has provided the dollars required to fund all of the students needing services. It seems to me that Congress has failed to meet its own adequate yearly progress goals for the past 36 years.

I have been in Congress for more than 25 years. I have never voted against an education bill before. But to vote for this education bill as it now stands, I believe, is counterproductive, if not destructive. My instincts tell me that this bill will become law within a matter of days.

Although I am voting against this bill, I will work very hard with all of my colleagues to obtain the funding that is needed so that our educational system will not only be strengthened but, as Dr. Seuss once said in one of the last books to be issued before this author's passing: ". . . you'll be the best of the best. Wherever you go, you will top all the rest."

We can only be the "best of the best" by not only adequately funding these programs but also working with parents and teachers and principals and superintendents and school personnel and school board officials and students, for they have many of the answers that will enable us and our students "to top all of the rest."

Today, I vote against this bill because I believe it is better to approve no bill rather than to approve a bad bill. I am sincerely hoping, for the sake of our children, that history will prove me wrong.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank Senator JEFFORDS for his work on this legislation. He was chairman of our committee when we reported out the Senate version. Sometime after that, we had a change in leadership. As a matter of fact, the bill itself was on the floor. I had the opportunity to chair the legislation.

The Senate should know that on this legislation, the first parts were reported out of the committee when Senator JEFFORDS was the principal architect. Although we come to different conclusions in terms of the outcome on this legislation, I express our great appreciation to him for his longstanding

commitment to funding the IDEA. He has been passionate about that and has worked on it. He makes a compelling case. We are closer to the day when I think we will get there. I think we will get there, and we are going to. When we do, Senators JEFFORDS, HARKIN, and HAGEL will all have been enormously helpful in our achieving it.

The final point I will mention: We have in this legislation expanded the afterschool program by 200,000 children. We still have a long way to go. I am mindful that that program started out in 1994 sponsored by Senator JEFFORDS. It started out as a \$50 million program and several thousand students. Now there are probably more subscriptions for that program than any other program in these last years because of the recognition of the difference it makes in terms of being a resource for children to get assistance after school. I thank him for his good work. I wish he had come to a different conclusion, but the Senate should know.

I see the Senator from Minnesota. We expect him to talk. If I may, I yield for 30 seconds to the Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. I thank Senator KENNEDY.

I had the opportunity yesterday to speak at length on this bill and to commend my colleagues, Senator KENNEDY and Senator GREGG, our colleagues from the other body, Mr. BOEHNER and Mr. MILLER, and Senator JEFFORDS for his leadership as chairman.

I neglected to commend people who were much responsible for this legislation, and that is staff members, particularly my staff member Elyse Wasch who did a remarkable job.

I also extend my thanks and congratulations to Danica Petroschius, Roberto Rodriguez, Michael Dannenberg, Dana Fiordaliso, and Michael Myers of the majority staff and Denzel McGuire of the Republican staff. Their efforts were remarkable.

Much of the success of the bill was because of these individuals. I thank them personally for their great work, particularly Elyse Wasch of my staff.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will take some time now and I will reserve the final 5 minutes right before the vote.

Senator REED, in his characteristic style, thanked his staff and other staff here for their great work. I would as well. I include Joe Morningstar who works with me in that mix.

I also say to Senators KENNEDY and GREGG that I appreciate all of their commitment and all of their very hard work.

I say to Senator JEFFORDS that I greatly appreciate his soul, his unbelievable commitment to children, how strongly he feels about this question.

And I very much find myself in agreement with his analysis.

I must say with a smile that I am amazed that so many of my colleagues are now supporting a Federal mandate right under the school district saying every school district—school districts have represented the essence of graduate political culture in our country—every school district, every school, you will test every child, grades 3, 4, 5, 6, 7, and 8. I must say that I think this oversteps, if not the authority, the sort of boundaries of congressional decisionmaking on education. Here I am, a liberal Senator from Minnesota, but this is my honest-to-God belief. I am just amazed that so many Senators have voted for this, especially my conservative friends.

Having said that, I voted for the bill when it was on the Senate floor for two reasons: One, we had the IDEA program mandatory. That is hugely important in terms of getting funding back to our States and school districts. No. 2, I wanted to get on the conference committee to try to make the bill better.

I thank both my colleagues. I can't say the Chair and I always agreed on everything, but I wanted to thank them for letting me be on the conference committee. I enjoyed the work. There is a lot of good policy in this bill. I will be proud of whatever I contributed, but also many Senators contributed to that.

Let me just say that for my own part, the big issue with me is this sort of rush to testing, as if it is the reform. The testing is supposed to test the reform, it is not supposed to be the reform.

This focus on standardized tests, multiple choice tests, and teachers teaching to it has become drill education. It is educationally deadening.

There are a lot of amendments and provisions in this bill I had a chance to work on that talk about high-quality testing, how we do that, and multiple measures, giving our States maximum flexibility so that they have 3 years in the aggregate of testing before they begin to use them as high stakes testing, see how schools do. And they don't have to start until 2005 or 2006. Therefore, we don't get the result until 2008 or 2009, and I am glad we will not have this mad rush to the worst of standardized testing.

There are some good provisions in this bill that will make a difference when it comes to having high-quality testing.

We also have very good legislation in here that deals with teacher recruitment and retainment. That had to do with Senators HUTCHISON, CLINTON, KENNEDY, and DEWINE. That is a huge issue—how we can recruit and retain teachers.

Parent information and resource centers, local family information centers, the ways in which you can have parents more involved—and quite often you have to do it through some of the nonprofits and nongovernmental orga-

nizations in the neighborhoods and communities—that is extremely important. We have a great program in Minnesota after which this is modeled. I am so glad that is in the bill.

Then I thank Sheila my wife because she is my teacher when it comes to violence in homes, and there are some really good provisions in this bill that deal with children who witness violence and how to help them.

That is all to the good. But we had the chance to make our rhetoric of the last 26 years about the IDEA program a reality. We did that on the Senate side, but the House Republican leadership killed it on the House side and the administration opposed it. That is what I am saddest about. I believe we could have made the fight for children in education, and we could have said to this administration: You cannot realize this goal of leaving no child behind unless the resources are there to go with the testing. The tests don't bring more teachers. The tests don't lead to smaller class size. The tests don't lead to good textbooks. The tests don't lead to better technology. The tests don't mean the children come to kindergarten ready to learn. All of these things have to change.

Without a commitment to making IDEA mandatory and making the full funding over a 6-year period that should have been this year, we cheat our States and school districts and our schools, and we cheat our teachers and we cheat our children.

That is why I oppose this legislation. People in my State of Minnesota are angry because they believe by acceding to the House Republican position and the administration position, we have cheated Minnesota out of \$2 billion of IDEA money over the next 10 years—about \$45 million on the glidepath this year. They are angry because no longer are we going to be able to have all-day kindergarten in a lot of our schools. They are angry because we are having to eliminate some of our good early childhood development programs. They are angry because we are going to have to eliminate some of our afterschool programs. And they are angry because we are eliminating teachers and we are increasing class size. They are angry because we are having to make cuts in the school lunch program. They are angry because we are having to make cuts in transportation.

There are first graders who are going to have to walk a mile, and seventh graders 2 miles, to go to school because the bus service has been cut out.

Colleagues, if we had lived up to our commitment on full funding of IDEA, we would not have to make those cuts in Minnesota. But we did. That is why I will vote no. I will vote no for my State of Minnesota.

The Center for Education Policy has a quote that I think is so important:

Policymakers are being irresponsible if they lead the public into thinking that testing and accountability alone will close the learning gap. Policy-

makers on the State and national level should be wary of proposals that embrace the rhetoric of closing the gap, but do not help build the capacity to accomplish that goal.

I believe what we have here is a Federal unfunded mandate calling on our States and school districts to do more with less, calling on them to test every child every year, grades 3, 4, 5, 6, 7 and 8, and telling them that they have to do so without a Federal mandate that every child will have the same opportunity to do well on these tests.

Where are the resources to make sure that all the children in America have the same chance to do well? And when they don't do well on these tests or the schools don't do well, where are the additional resources to help them? Not in this bill. When you start talking about we have increased funding for title I, no, not in real dollar terms. We are in a recession. There are many more children who are eligible. We are not doing any more funding in real terms. About a third of the eligible children are going to get the funding, and that is it. We didn't live up to our commitment to fully fund the IDEA program, and there is a pittance in the Federal budget for early childhood development so that children can come to school ready to learn.

The President and the administration talk about leaving no child behind—the mission of the Children's Defense Fund—and that is the title of this bill. We cannot realize the goal of leaving no child behind on a tin cup budget. We are setting a lot of schools and children and school districts up for failure because we have not lived up to this promise. We are calling on the schools to be more accountable. But what about our accountability to our States and our school districts and our teachers and our children? We have failed the test of accountability by not making the IDEA program mandatory and providing full funding. We have failed the test of accountability by not providing that.

The PRESIDING OFFICER (Mr. REED). The Senator has 5 minutes remaining. The Senator wanted to be informed.

Mr. WELLSTONE. Five minutes of the original 15?

The PRESIDING OFFICER. That is correct.

Mr. WELLSTONE. I will take another 2 minutes.

Mr. KENNEDY. I will yield 5 minutes of our time.

Mr. WELLSTONE. I thank the Senator for his graciousness.

Mr. REID. Mr. President, we were trying to arrange some additional time. We were unable to do that. The vote will occur around 12 noon today.

Mr. WELLSTONE. I have made my point. I will say to colleagues that I am amazed that Senators don't want to have a little more debate on this. What is the problem? There are people who want to speak against it, too. I am just amazed that apparently my colleagues

on the Republican side, I gather, are opposed to this. They don't want to have more debate. I don't blame you because a lot of people in our States are going to feel quite betrayed.

Mr. GREGG. Will the Senator yield? Mr. WELLSTONE. Yes.

Mr. GREGG. Mr. President, I don't understand the Senator's accusation against Republicans on that issue. The time agreement on this bill was reached between the majority party and the minority party. It was not unilaterally agreed to by the minority party. It was put forward by the leadership on both sides. Do not accuse the Republican side of the aisle of being the people who are trying to limit this. You have an opportunity to speak. You got 15 minutes. The Senator from Massachusetts has been kind enough to offer you more. I will offer you 5 more minutes of my time if you want more.

Mr. WELLSTONE. Since the Senator speaks with such indignation, I am pleased to offer an explanation. First of all, it is not about me; it is about other colleagues who want to speak. Yesterday, we had an understanding for 2 hours and a half hour—or 1 hour and a half hour. Then there was a unanimous consent yesterday to extend an additional hour for the proponents. I asked the majority whip whether we could have more time for other Senators to speak, and my understanding is that that is fine on our side, but the Republicans have turned that proposal down, in which case, Senator, I stand by my remarks.

I yield the floor.

The PRESIDING OFFICER. The Chair reminds Senators to address each other in the third person and through the Chair.

Mr. REID. Mr. President, parliamentary inquiry: Let's make sure we have the time down here. It is my understanding that the Senator from Massachusetts graciously agreed to give the Senator from Minnesota 5 minutes, and the Senator from New Hampshire also agreed to give him an additional 5 minutes.

Mr. GREGG. Mr. President, I will reserve that. The Senator has clearly rejected my offer.

Mr. REID. The Senator from Minnesota has an additional 5 minutes that the Senator from Massachusetts extended. I ask that that be approved by unanimous consent.

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. WELLSTONE. I ask the Senator this. There were several other Senators who wanted to speak in opposition. The Senator from Minnesota, Mr. DAYTON, is one.

Mr. REID. The Senator from Vermont allocated the Senator his 7½ minutes, and he has 5 from Senator KENNEDY.

Mr. WELLSTONE. All together I have how much time left?

The PRESIDING OFFICER. The Senator from Minnesota has 7 minutes remaining.

Mr. REID. Plus the 7½ minutes from the Senator from Vermont, who agreed to let him use that time, but also 5 minutes from the Senator from Massachusetts.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. The Senator from New Hampshire has the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I guess we are going to have more discussion on these points. I think it is appropriate at this time to briefly respond to the Senator from Minnesota relative to his representations on especially IDEA funding.

There is a history to this funding which I think has to be reviewed. During the Clinton administration, not once in the first 7 years of that administration was there an increase sent to the Congress for special education funding—not once—of any significance at all.

However, a group of us on our side of the aisle said that was not right. We decided to significantly increase the IDEA funding beginning about 5 years ago. We were successful in accomplishing that. Over the last 5 years, we have increased IDEA funding, special education funding, by 173 percent. That is the single largest percentage increase that any significant policy account has received over the last 5 years.

The new President, President Bush, also understood, because he was a Governor who was sensitive to this issue, that IDEA was not properly funded.

He sent up in his budget the single largest increase in IDEA funding ever proposed by an administration. At the end of this appropriating process which will occur this year, hopefully before Christmas, IDEA funding will have gone from approximately 6 percent when we began this process in 1995 and 1996, up to approximately 20 percent of the cost of IDEA, not the 40 percent which is our goal, but the obvious path which is being pursued is towards full funding.

I do not believe the Senator from Minnesota voted against any of the budgets offered by President Clinton which had zero increases in special education funding. I do not believe he did. But he comes here today and says that because special education funding was not included in this bill which deals with title I funding we should vote against title I funding.

I find that inherently inconsistent, first because we are on a path towards full funding of special education, but second, by voting against a bill which significantly increases funding for title I, which is the low-income children of this country and who represent a primary responsibility of the Federal Government, which we have assumed as a Federal Government, we are undercutting the capacity of those children to have a chance to compete effectively in the school systems.

These are two different issues, special education and title I. Yes, there is overlap on children, no question about it, but the policy issues involved in the two are significantly different. So a decision was made since we are going to reauthorize special education next year that we should take on the policy issues of special education and the funding issues of special education as a package, as a unit, and do it next year, in the context of the fact we are increasing special education this year by over \$1 billion. It is not as if we are saying we are not going to do anything in the special education accounts for dollars; we are actually increasing it by \$1 billion this year. The money is being put on the table, but the policy that needs to be addressed in the special education accounts are as important as the dollars that need to be addressed. For example, the issue of discipline needs to be addressed. The disparity in discipline between special education kids and kids who are not in special education is a big problem in school systems.

The issue of bureaucracy needs to be addressed. It is extremely expensive to school districts to meet the bureaucratic requirements of IDEA.

The issue of attorney's fees needs to be addressed. We have created a cottage industry for attorneys dealing with special education. We need to address that.

There are significant policy concerns which should be addressed at the same time we address the issue of how we set up the funding stream. I have one other point on the mandatory funding stream. This in some ways is a smoke-screen because, as I pointed out, there is a dramatic expansion in funding occurring in special education.

The question is, Is that money going to come out of the discretionary accounts or is it going to come out of the mandatory accounts, and that is an inside-the-beltway baseball game, but it is a big game because if we move it all over to the mandatory accounts, basically we free up \$7 billion in the discretionary accounts. That is \$7 billion the Appropriations Committee, on which I have the honor to serve, has available to spend on anything they want to spend it on. It does not have to spend it on education. It frees up that money.

A lot of this exercise in mandatory accounts is an exercise to free up \$7 billion of discretionary spending.

I do think the argument that because the IDEA language was not included in this bill, therefore, I am going to vote against the title I reform language is inconsistent with the fact pattern because we know we are going to reauthorize special education next year, we know we will visit the issue of mandatory spending next year, and, at the same time, we know we are significantly increasing special education funding this year through the discretionary accounts; we have done it over the last 6 years.

I find that argument to be one that does not have much in the way of legs,

as far as I am concerned, as a reason to oppose this bill. There may be other issues in this bill, and the Senator from Minnesota raised the issue of testing. That is a legitimate issue in this bill. We are significantly changing the role of the Federal Government relative to testing in the States. That is a legitimate issue. I know the Senator from Minnesota feels strongly about that issue and has very credible arguments, in my opinion, but the IDEA is another issue.

I now yield to the Senator from Idaho 3 minutes.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Idaho.

Mr. CRAPO. Mr. President, I appreciate the opportunity to speak on the bill. I came down to express my strong support for this legislation, not only because of the important reforms in education that it proposes but because of the significant new resources that the Federal Government will be providing to public education, and also to discuss the fact we are going to be moving forward from this legislation to reform and strengthen the IDEA legislation next year. I look forward to being a part of that process and working with our chairman and ranking member on addressing these critical needs of our children.

I have worked for the last 3 or 4 years myself with the committee and with others to see if we could somehow reach that goal of 40-percent funding for IDEA, which is our objective. We have had a lot of difficult battles over that issue, and we have had a number of votes to try to get us moving down that path. We are on the path toward achieving that objective.

I certainly agree with my good friend, Senator GREGG, about the fact because we have not yet achieved success does not mean we should vote against this legislation. I also have concerns about the testing language in the legislation. I have concerns about where we should address a number of the critical issues in education.

Not everything in this legislation is as I would have had it. However, I consider this bill to be an important step forward, and I look forward to working with the committee next year on achieving both substantive reforms and the financial commitment we need to make to IDEA.

I yield back the remainder of my time.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair. Mr. President, I want to take 1 minute to respond, and I want to yield the floor to Senator DAYTON for a few minutes, and that will be in opposition.

Ms. MIKULSKI. Mr. President, there is an order, and the time is being controlled by the Senator from Massachusetts, not by the Senator from Minnesota.

Mr. KENNEDY. Mr. President, after the Senator winds up, I was hoping we

were going to go to Senator MIKULSKI. The Senator had been recognized for 15 minutes and then the tentative agreement is that Senator MIKULSKI was going to be able to respond. We are trying to work out an accommodation.

Mr. WELLSTONE. How about Senator MIKULSKI speaking and then Senator DAYTON will follow?

Mr. KENNEDY. We are trying to go from one side to the other.

Mr. WELLSTONE. That is what I was trying to do.

Mr. KENNEDY. I thought the Senator was trying to get Senator DAYTON after himself.

Mr. WELLSTONE. No.

Mr. KENNEDY. I am going to yield time to Senator MIKULSKI.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield for a question.

Ms. LANDRIEU. Mr. President, I ask the Senator from Massachusetts what order we are in, and I am happy to take whatever order he deems appropriate.

Mr. KENNEDY. I thought the Senator might be here a little after 10:30 a.m., if that is convenient to the Senator. We are trying to do the best we can, but we do have an order. I am glad to yield 3 minutes to the Senator from Maryland.

Ms. MIKULSKI. I thank the Chair. Mr. President, I wish to make clear that I will vote for the legislation called the No Child Left Behind Act. The reason I am going to vote for this legislation is because I am a pragmatist. Does the legislation do everything in education that I want done? No. Does it do everything on funding the way I want it to be done? No. But there is a crying need in our public schools to pass this modernization of the Elementary and Secondary Education Act, and I do not want to make this legislation be an example of the perfect is the enemy of the good.

We do many fine things in this legislation. Technology is one area in which I have been concentrating.

This bill does include my amendment to create an education technology goal that every child be computer literate by the eighth grade. It includes my amendment to authorize community tech centers to create and expand community tech centers in rural and distressed urban areas, in other words, to bridge the digital divide and allows the Department of Education to provide competitive grants to community-based organizations.

These nonprofits would set up technology centers where children and adults would have access to technology. What does this mean? It means a safe haven for children; it lets them do their homework as well as surf the Web. It also means job training for adults during the day. This legislation also includes more flexibility for the tech approach, such as maintenance and repair.

In Baltimore, the Social Security Administration gave over 1,000 computers to the Baltimore city school system,

but they needed repairs. Some of the microchips had been broken. No one could afford to pay for them. My amendment would allow schools greater flexibility to have these public-private partnerships to repair this equipment.

Now I will address the issue of IDEA. Full funding for IDEA is essential for our special needs children and all of the children. Had the Senate passed the Harkin-Hagel amendment, this would have meant \$42 million for my State, as well as an increase of \$2.5 billion in overall IDEA funding. Yet that approach was rejected by the House conferees.

I salute Senator JEFFORDS and HASKIN others who led the fight to add more money for IDEA, because at the rate we are funding IDEA it will take us to the year 2017 to fund IDEA at the 40 percent we promised 26 years ago. However, I chose not to hold up this bill over this topic because there is increased funding and next year we are going to address the issue of IDEA, which is: What is the right money and what is the right policy?

Since the IDEA legislation was passed 26 years ago, so many of our children come to school now far more medically challenged than when the legislation was passed, far more challenged with psychological or other learning disabilities. I think we need to take a new look, based on research-driven recommendations, that will give us the guiding principles on what is the right way to handle special needs children because of the complexity of their needs. It is often not only someone who helps sign in the classroom, but it is often the school nurse who now is required to dispense medication or medical treatment.

I could say a lot more about this bill, but when they call my name I will vote aye. I congratulate Senators KENNEDY, GREGG, and JEFFORDS for moving this legislation in the Senate. I also want to thank their staffs and my staff for their outstanding work.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. I think the Senator from Minnesota is next.

The PRESIDING OFFICER. It is the understanding of the Chair that the Senator from Minnesota is next.

Mr. KENNEDY. Mr. President, I had indicated we were going to alternate. The last time I saw Senator MIKULSKI she was a Democrat, so now we will go to the Republican side. That is what I indicated earlier. That is the way we proceeded yesterday. That is our understanding today, and that is the way we will proceed right now.

Mr. WELLSTONE. I say to my friend, I thought we were taking a viewpoint on—

Mr. KENNEDY. We are going from one side to the other.

Mr. WELLSTONE. What is the ruling of the Chair?

The PRESIDING OFFICER. The Senator from Minnesota controls his own

time. It was the understanding of the Chair that Senator DAYTON was to be next, using Senator WELLSTONE's time.

Mr. WELLSTONE. I yield 5 minutes to the Senator from Minnesota.

Mr. GREGG. Mr. President, I ask unanimous consent that after Senator DAYTON, Senator BOND be recognized for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota.

Mr. DAYTON. Mr. President, I rise today to explain my decision to vote against the Elementary and Secondary Education Act Conference Report.

Let me first say what enormous respect I have for the bill's manager, the distinguished Senator from Massachusetts, who, throughout his Senate career, has fought heroically to improve the quality of education for our nation's schoolchildren. He and other Senate conferees have labored long and hard for months to negotiate the best bill possible with the House and the White House, who have other, higher priorities. All year long, they have placed tax giveaways to the rich and the powerful above our nation's schoolchildren.

Let there be no doubt: this legislation fails to achieve the President's stated goal: "Leave No Child Behind." President Bush, this legislation leaves many thousands of children behind throughout this country. It fails, for the 25th consecutive year, to keep the Federal promise to pay for 40 percent of the costs of special education. This broken promise is costing my state of Minnesota over \$183 million this year. It means the 110,000 Minnesota schoolchildren in these programs are receiving less special education than they need and deserve. It means that other Minnesota schoolchildren are harmed, as state and local money intended for their educations must be shifted to cover the Federal shortfall. It means that Minnesota taxpayers must pay higher property taxes to fund this broken Federal promise.

To make matters worse, the House conferees refused to accept the Senate's bipartisan commitment to bring Federal funding for special education to 40 percent over the next six years. Earlier this year, Mr. President, I proposed an amendment to this legislation, which would have funded the 40 percent promise in two years. That amendment was defeated, in favor of a six-year timetable. Now, the House Republicans are saying that even six years is too soon.

That is absolutely unconscionable, unjustifiable, and it should be, to this Senate, unacceptable. As a result, under this legislation, next year's Federal funding for IDEA will cover only 17.5 percent of those costs nationwide. In Minnesota, it will fund only 15 percent. This failure will leave thousands of children behind.

House Republicans reportedly refused to accept the Senate position until after IDEA is "reformed." Yet, just a

few weeks earlier, the House added over \$30 billion in tax breaks to large energy companies in their Energy Bill. The House Economic Stimulus package would repeal the corporate alternative minimum tax, and it would refund over \$25 billion to some of America's largest and most profitable corporations. Neither of these two huge tax giveaways was predicated on any kind of "reform."

The failure to fully fund IDEA is tragic, because that money was available earlier this year. There was also enough money to significantly increase the Federal government's support of all elementary and secondary education nationwide. But massive tax cuts for the rich and powerful were the President's and the House Republicans' higher priorities. Now, those projected Federal surpluses are gone, and our nation's schoolchildren must wait in line again.

Less money and more testing. That will be the legacy of this "education President." Well, the President and the Congress have failed their big education test this year. It shouldn't be surprising when, as a direct result of their failure, more of our nation's schools and schoolchildren do also in the years ahead.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, as a member of the conference committee, we spent nearly 6 months crafting this bill. I am pleased to rise in support of this landmark legislation which leaves no child behind.

As many of my colleagues have already mentioned, this bill provides the most comprehensive education reform since 1965. I take this opportunity to thank and congratulate the leader on our side, the Senator from New Hampshire, Mr. GREGG, and the manager of the bill, the chairman of the committee, the Senator from Massachusetts, Mr. KENNEDY. Their tireless work to bring this bill to the Senate has placed comprehensive education reform within reach of all students across the country.

Too many children in America are segregated by low expectations, illiteracy, and self-doubt. In a constantly changing world that demands increasingly complex skills from its workforce, children are being left behind. Over the years, we have empowered the Federal Government and faceless bureaucrats while burying our educators and schools in regulation, redtape, mandates, and endless paperwork. As a result, we have disenfranchised educators and slowly eroded the opportunity for creativity and innovation at the local level.

At last count, the Federal Government had 760 different education programs operating within 39 different agencies, boards, and commissions. Each was launched as a step toward reform, but each new program comes with added regulation and paperwork.

By one estimate, compliance consumes 50 million hours each year, the

equivalent of 25,000 full-time employees just to process the forms. Ask the teacher who has to deal with 760 programs, or the administrator who has to handle it, just how much this detailed reform and direction from Washington has helped them focus on their children. In my State they will say "not one bit."

Today, nearly 70 percent of low-income fourth graders are unable to read at a basic level. Our high school seniors trail students of most industrialized nations on international math tests. Nearly a third of our college freshmen must take a remedial course before they are able to begin college level courses. This is why President Bush has chosen education reform as a cornerstone of his administration.

This conference report reflects an agenda that President Bush outlined during his first days in office. It emphasizes flexibility, local control, accountability, literacy, and parental involvement. I am honored to have had a hand in shaping that policy. Parental involvement, early childhood, and parents as teachers are issues I have worked with a long time. I am pleased the principles of my direct check for education were included in the legislation. Over the years, I have worked with Missouri educators to develop the direct check approach to education reform, which consolidates Federal education programs, cuts Federal strings and paperwork, and sends the money directly to local school districts.

Like my direct check proposal, this conference report recognizes that educational reform and progress will take place in the classrooms in America, not in Washington, DC. This report consolidates a myriad of existing Federal programs and allows States and local school districts to make decisions on their own, to determine their priorities. By reducing the mandates, as well as the costly and time-consuming paperwork that local school districts must endure to obtain Federal grants and funding, parents and teachers are empowered to take back control of educating our Nation's children.

To me, the issue is simple. We must empower our States and local school districts with flexibility to utilize the limited amount of Federal resources as they best see fit to educate our children. This conference report does just that. Local schools will immediately be given the flexibility they need, where they are most needed, because a school in Joplin, MO, may have different needs than one in Hannibal, Kansas City, St. Louis, or Boonville, MO.

Some schools need new teachers. Others may need new textbooks or computers, or wish to begin an after-school program.

We simply cannot continue to ask teachers and local schools to meet higher expectations without empowering them with the freedom and flexibility to do the job.

This legislation strikes a delicate balance. It keeps the Federal Government out of the day-to-day operations of local schools; gives States and school districts more authority and freedom; and requires performance in return.

Education, while a national priority, remains a local responsibility. I believe that those who know the names of the students are better at making decisions than bureaucrats at the Department of Education. Parents, teachers, local school boards are the key to true education reform, not big government, Washington-based educational bureaucracy. In addition to giving local schools more control, I am pleased this conference report recognizes parental involvement and increases resources to our very successful Parents as Teachers Program which we hope to provide to every State in the Nation as well as foreign countries. It strengthens accountability, it provides the necessary funds to attract and retain quality teachers, and develops literacy programs to guarantee all students will be able to read by the third grade.

With its emphasis on the child rather than the bureaucracy, this legislation offers an opportunity to make real progress in our schools.

The great Missourian Mark Twain said: Out of public schools grows the greatness of a nation.

One-sixth of the American population is enrolled in public schools. The content and quality of their education will determine the character of our country.

I thank the managers of this bill for their courtesy to me as well as for their great work over the 6 months in bringing this conference report to the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator from Missouri. As he mentioned in his comments, he, as a Governor, was involved in the Parents as Teachers Program. We have developed a different way of recognizing this as a national problem, a national challenge, and different ways to bring people into the teaching profession. His is one of the imaginative and creative programs. We always welcome his continued interest in this program.

Before yielding 3 minutes to the Senator from Louisiana, I take a brief moment to respond to the Senator from Minnesota.

I gather there are three major points the Senator made, one about the funding for the IDEA program. I am in strong support of that program. It seems to me we are only meeting 17 percent of our responsibilities. We are pitting children, title I children, against disabled children. Two-thirds of those who receive the funding under special needs are title I children. We are talking about a similar group of children. We are trying to bring about significant reforms in this program. We will bring about the reforms next, but

we should move ahead and recognize we are going to try to be of assistance to them. I am sympathetic and a strong supporter of that.

However, I don't know whether the Senator has read the conference report when it comes to testing because we have effectively accepted the Senator's amendments. The Senator is quite correct, testing is not performed.

We have a situation with some States spending \$1.46 per student in one State and another State is \$3.16, another State is \$3.21. In this legislation we are committing with a trigger that says, if the resources are not there, these provisions do not apply.

We have the most overtested group of students in the country. We understand that. However, what we do not have are content standards established by the States, curriculums established by the States, well-trained teachers to be able to teach the curriculum, and assessments about how the children are doing so they can be assisted in academic achievement and accomplishment. That is what this bill is committed to, not off-the-shelf tests.

We do a disservice in describing this bill as the off-the-shelf test. It is not. It has been rejected. If the Senator read page 458, he would see his language is effectively accepted to enable States or consortiums of States to collaborate with institutions of higher education, other research institutions, other organizations, to improve quality, validity, and reliability of State academic assessments beyond the requirements for such assessments described in the act, and measuring students' academic achievement using multiple measures from multiple sources.

We have leaned over backwards to do it right. The Senator was right in his amendment. We have it right in this program. To try to distort it does not serve the issue well. It is not an accurate reflection of what is in the bill.

I do not yield to the Senator from Minnesota or anyone else in terms of getting additional resources. We started with modest resources, the 3-percent increase in terms of the title I program. That happened to be increased to 20 percent. We started off with only a third of the children covered. It is true, we are facing recession and there will be 600,000 more children covered under this program. They are going to be eligible this year because of the state of the economy, but we only reach 40 percent of the Head Start children. Are we against Head Start because it only reaches 40 percent? Are we breaking our promises? We are out here to try to get full investment in these reforms. That is what I am committed to do.

I think we have made some progress. It is always easy to criticize the failures, but I think, along with our colleagues, this is one of the most important efforts made by the Congress in terms of enhancing academic achievement and accomplishment. We might come back to the other areas, but I thought this was the time to respond.

I yield 3 minutes to the Senator from Louisiana. I thank the Senator. There is additional targeting. Under this bill, Minnesota would get \$20 million more for title I. But the targeting, both in urban areas and rural areas, is a direct tribute to the Senator from Louisiana. She fought for that and built a coalition. It is always difficult to alter or change formulas. It is a significant alteration to reach the neediest children. We are grateful to her for her commitment in this area.

Ms. LANDRIEU. Mr. President, I thank the Senator from Massachusetts for those kind remarks and I thank Senator KENNEDY and Senator GREGG for their extraordinary effort that has not gone unnoticed by the Members of this Senate and all the people who have followed so closely the tireless efforts to get to this point where we can support such a solid, principled compromise that all Members can be proud of passing today. It is a great victory for our school system and our Nation and for the Presiding Officer, in the role played as a former Governor of Indiana. I thank also Senator LIEBERMAN, Senator COLLINS, and Senator SESSIONS. It was a really bipartisan effort. And to the President, I say thank you. Through all of the efforts, along with the war in Afghanistan and our defense, trying to stand up and defend our homeland, the President stayed focused on education. We stayed focused on education. I think that speaks well of the work we have done. I am proud to be a part of it.

This bill works for our Nation to strengthen our schools and to build on a promise that every child deserves a quality education and the belief that we can fund it and strengthen it so that every child can learn and so that every child should have an opportunity—not a guarantee but an opportunity—to be all that God created them to be and all their parents and loved ones hope for them to be.

That is why I am excited about this bill. It outlines some new goals and objectives that are going to be difficult and challenging. But we need to lift those expectations for our children. We need to challenge our Nation. We need to fund it.

That is why I thank Senator KENNEDY, our leader from Massachusetts. He fought like a tiger to say: Yes, we want accountability. Yes, we want flexibility. Yes, we want to work in partnership with the Governors, but we want to give them the resources to fight the battle. That is what this bill does. It is the single largest investment in education in a single year.

I also thank the Governors who are our partners—the 23 Governors who are on the front line with mayors and school boards around the Nation leading this fight for their support.

Let me focus on three issues.

First, accountability. We say if you are going to run a school, run it right. If not, we are going to reconstitute it so that every child has a chance.

Second, the flexibility issues that we fund at the Federal level, but we allow the local jurisdictions to make those decisions.

Third, targeting. Senator KENNEDY mentioned this. I want to say for Louisiana that this will mean \$100 million more for title I to help with the resources to make these classes really work for children. It will help us with technology and will make sure kids really have an opportunity. It is going to help us with afterschool programs. It is not just given out by a grant but a formula, so we get it to the parishes that really need the most help. This will give them the helping hand.

I am proud to join my colleagues. I could speak for hours and days. I congratulate our leaders for doing such a fine job. It was a joy for me to work on this bill. It will mean a lot to the kids in Louisiana and their families.

Mr. SHELBY. Mr. President, I rise today to congratulate my colleagues on the conference committee for their efforts on behalf of our Nation's school children. This legislation encompasses a number of important reforms for our schools. One notable provision reforms the collection and dissemination of personal information collected from students to protect their privacy.

Earlier this year Senator DODD and I introduced the Student Privacy Protection Act. The goal of this legislation is to ensure that parents have the ability to protect their children's privacy by requiring parental notification of any data collection for commercial purposes from their children during the school day. I am pleased that the conference agreed with Senator DODD and me on the importance of protecting student's privacy and the essential nature of parental participation in the process.

The need for this provision stems from the growing practice of a large number of marketing companies going into classrooms and using class time to gather personal information about students and their families for purely commercial purposes. In many cases, parents are not even aware that these companies have entered their children's school, much less that they are exploiting them in the one place they should be the safest, their classroom.

The provision included in H.R. 1 builds on a long line of privacy legislation to protect kids, such as the Family Educational Rights Act, the Children's Online Privacy Protection Act and the Protection of Pupil Rights Act. The goal of these laws, as is the case with our provision, is to ensure that the privacy of children is protected and that their personal information cannot be collected and/or disseminated without the prior knowledge and, most importantly, the ability of parents to exclude their children from such activities.

We understand that schools today are financially strapped and many of these companies offer enticing financial incentives to gain access. Our goal is not

to make it more difficult for schools to access the educational materials and the computers that they so desperately need or to deter beneficial relationships. Rather our goal is to ensure that the details of these arrangements are disclosed and that parents are allowed to participate in the decisionmaking process.

The bottom line is that parents have a right and a responsibility to be involved in their children's education. Much of these noneducational activities are being done at the expense of the parents' decision making authority because schools are allowing companies direct access to students. The provision included in H.R. 1 enhances parental involvement by giving them an opportunity to decide for themselves who does and does not get access to their children during the school day.

Mrs. FEINSTEIN. Mr. President, the bipartisan education bill before the Senate today puts in place some strong and unprecedented reforms in elementary and secondary education to make schools more accountable and help students learn. For the public, this bill helps assure that our schools get results and that we know what those results are. California's public schools should be helped by this bill.

To bolster student achievement, this bill includes several needed reforms, tying the receipt of Federal funds to getting results:

The bill continues the current requirement that States must have academic standards for reading and math and adds a requirement that States establish standards for science.

Schools must assure that students make continuous and substantial academic improvement and that students reach a proficient level within 12 years.

To measure student achievement, States are required to test every student in grades 3-8 annually in reading and math based on State standards, by 2005-06.

To ensure accountability, schools that fail for 2 consecutive years to make adequate yearly progress must be identified for improvement and also must identify specific steps to improve student performance.

After 3 years, a failing school must offer public school choice and provide supplemental services. After 4 years, a school must take corrective actions such as replacing staff or implementing a new curriculum. After 5 years, a failing school must undertake major restructuring. The bill provides \$500 million to help turn around low-performing schools.

In order to improve teacher quality, this bill authorizes grants to States for teacher certification, recruitment, and retention services. States must assure that all teachers are qualified by 2006.

The bill authorizes \$1.25 billion in 2002 and up to \$2.5 billion in 2007 for afterschool programs remedial education, tutoring and other services to improve student achievement.

The bill requires public "report cards," which will report on academic

achievement, graduation rates and the names of failing schools.

There are many other important initiatives and reforms.

Another important feature of this bill is that it better directs Federal funds to disadvantaged students than does current law. Here are some examples:

It requires that for the largest Federal education program, Title I, Aid to the Disadvantaged, the poor children count be updated every year instead of every 2 years under current law. This is very important to California, a State that has a higher than average poverty rate and high growth in the number of low-income children.

The bill requires that more funds be funneled to States and districts using the targeted grant formula, which is focused on concentrations of poverty, areas such as Los Angeles, San Diego and other major cities. California is expected to receive a larger share of targeted grant funding than under current law because of its concentrated child poverty enrollment.

The bill shifts bilingual and immigrant education funding from a competitive grant program to a formula grant program based on the number of children. California has a very high proportion of limited-English proficient and newly-immigrant children and should be greatly helped by this change.

These are welcomed changes and should send the resources to where the needs are.

The Federal Government provides only 7 percent of total education funding, but the strength of this bill is that it tries to leverage the Federal share to prod States and school districts to make schools responsible for real results. I believe the bill offers hope and resources to California's students, school officials, parents, and the public.

California's schools are facing huge challenges. California has a projected enrollment rate triple that of the national rate. Unfortunately, many California students perform poorly compared to students in many other States. California has some of the largest classes in the Nation. California has overcrowded and substandard facilities and 30,000 uncredentialed teachers.

I am sorry to say that 34 percent of California's schools that participate in Title I are identified for improvement compared to the national average of 19 percent, according to the U.S. Department of Education.

According to the January 2001 Education Weekly Quarterly Report, only 20 percent of California's fourth grade students are proficient in reading, ranking 36 out of 39 States. California ranks 32 out of 36 States for proficient eighth graders in reading, at 22 percent.

American students are falling behind their counterparts in other countries.

In literacy, 58 percent of U.S. high school graduates rank below an international literacy standard, dead last

among the 29 countries that participated, according to Education Week, April 4, 2001.

United States eighth graders scored significantly lower in mathematics and science than their peers in 14 of the 38 participating countries, according to the 1999 TIMMS Benchmarking Study.

The percentage of teachers in the United States that feel they are "very well prepared" to teach science in the classroom is 27 percent. The international average is twice that, peaking at 56 percent, according to the 1999 TIMMS Benchmarking Study.

United States students' knowledge of civic activities ranked 3rd out of the 28 countries that participated. However, those same students have been slipping in scores relating to math and science, according to Civic Know-How: US Students Rise to Test, International Association for the Evaluation of Educational Achievement.

The final bill includes several initiatives that I suggested:

As to Title I funding, I have long argued that Title I should reflect the real numbers of poor students. This bill retains the requirement that the poor child count be updated every two years. Also, the bill better targets funds on concentrations of poor children, which should particularly help our urban school districts, like Los Angeles.

As to master teachers, the bill allows funds under the teacher training title to create "exemplary" or "master" teachers who could mentor and guide less-experienced teachers, in an effort to keep new teachers in teaching. This is an outgrowth of my bill, S. 120.

As to the Title I audit, the bill requires the Inspector General to conduct an audit to determine how Title I funds are used and the degree to which they are used for academic instruction. The Senate had accepted my amendment to better direct Title I funds to academic activities and away from things like playground supervisors. While the limitations of my amendment are not included in the final bill, the required audit will help us determine specifically whether Title I funds are being used to help students learn.

As to small schools, the bill allows the use of Innovative Education funds to create smaller learning environments. While the final bill does not include my amendment that puts in place certain school-size requirements, as a condition for receiving funds, it does move that direction and recognize that smaller schools produce more learning.

As to gun-free schools clarification, the bill includes several clarifications of the current Gun-Free Schools Act, the 1994 law which requires a 1-year expulsion for students who "bring" a gun to school. This bill includes students who "possess" a gun at school; it clarifies that the term "school" means the entire school campus, any setting under the control and supervision of the local school district; and it re-

quires that all modifications of expulsions be put in writing. These are important clarifications to the law, the need for which was highlighted by an Inspector General's report on the implementation of that law.

This bill makes some of the most profound revisions to Federal education policy since ESEA was first enacted in 1965. It is an important reform designed to help students learn, achieve and in fact, excel.

The bill authorizes significant new funding. For example, Title I's authorized funding would grow from \$13.5 billion in fiscal year 2002 to \$25 billion in 2007. Now the challenge is to in fact provide those funds so that this bill will not be an empty promise.

Mr. WARNER. Mr. President, I rise today in strong support of H.R. 1, the No Child Left Behind Act, which will reauthorize the Elementary and Secondary Education Act, ESEA.

Last year, presidential candidate George W. Bush appropriately indicated that education reform was a top priority. This year, President Bush has worked to make this top priority a reality. The Senate will soon pass H.R. 1, legislation which is based on President Bush's education blueprint, entitled, "No Child Left Behind." I share the President's goal; our educational system must leave no child behind.

I commend President Bush, Secretary of Education Paige, and my colleagues who served with me on the Education Conference Committee. We have worked in bipartisan fashion to forge this legislation that will substantially reform elementary and secondary education in this country.

Education is the key to a better quality of life for all Americans. From early childhood through adult life, educational resources must be provided and supported through partnerships with individuals, parents, communities, and local government. The Federal Government has a limited but important role in assisting states and local authorities with the ever-increasing burdens of education.

Originally passed in 1965, the ESEA provides authority for most federal programs for elementary and secondary education. ESEA programs currently receive about \$18 billion in federal funding, which amounts to an estimated 7 cents out of every dollar that is spent on education.

Nearly half of ESEA funds are used on behalf of children from low-income families under title I. Since 1965, the federal government has spent more than \$120 billion on Title I.

Despite the conscientious efforts of federal, state, and local entities over many years, our education system continues to lag behind other comparable nations. Nearly 70 percent of inner city fourth graders are unable to read at a basic level on national reading tests. Fourth grade math students in high poverty schools remain two grade levels behind their peers in other schools. Our high school seniors score lower

than students in most industrialized nations on international math tests. And, approximately one-third of college freshman must take a remedial course before they are able to even begin college level courses.

The underlying issue is—do we just pour more taxpayer dollars to perpetuate these mediocre results or do we take some bold new initiatives?

The No Child Left Behind Act takes some bold new initiatives by increasing federal education funding, increasing state and local flexibility in their use of Federal funds, and increasing accountability—each are steps in the right direction.

First, in regard to funding, the No Child Left Behind Act authorizes \$26.5 billion for elementary and secondary education. This includes a substantial increase for Title I programs—which are education programs directed toward disadvantaged children. The bill also provides substantial funding for programs aimed at having all children read by the 3rd grade, teacher quality programs, and programs aimed at making our schools safe and drug free.

Next, in regard to flexibility, the bill significantly increases State and local flexibility in the use of their Federal education dollars.

Under the ESEA law that exists today, most ESEA programs have a specified purpose and a target population. Our states and localities are given little, if any flexibility in the use of the federal dollars they receive.

Our schools do not need a targeted one size fits all Washington, D.C. approach to education. While schools in some parts of the country may need to use federal education dollars to hire additional teachers to reduce classroom size, schools in other parts of the country may wish to use federal dollars for a more pressing need, like new text books. Federally targeted programs for a specified purpose do not recognize that different states and localities have different needs.

Who is in a better position to recognize these local needs, Senators and Representatives in Washington, D.C. or Governors, localities, and parents? Those Virginians serving in state and local government and serving on local school boards throughout the Commonwealth are certainly in a better position than members of Congress from other states to determine how best to spend education dollars in the Commonwealth of Virginia.

The No Child Left Behind Act increases flexibility and local control. For example, the bill allows every local school district in America to make spending decisions with up to 50 percent of the non-title I funds they receive from the federal government. Thus, with regard to non-title I funds, every local school district will have the freedom to choose alternative uses for these funds within certain broad guidelines.

Moreover, the bill provides even more flexibility in the use of federal

education dollars for up to 7 states and 150 school districts. These states and local school districts will be given the opportunity to consolidate a number of federal education programs, providing the participating states and localities the ability to focus federal dollars where they are needed most.

Finally, accountability, in certain areas, is needed. Our education policy is locking out many students and not providing them the key to a better life. It's time to move forward in education to ensure that all of our children are given the opportunity to receive a higher quality of education.

President Bush's proposal to test students annually in grades 3-8 in reading and math, which is part of the No Child Left Behind Act, is a strong proposal that promotes accountability.

These tests will result in parents and teachers receiving the information they need to know to determine how well their children and students are doing in school and to determine how well the school is educating its students. Testing also provides educators the information they need to help them better learn what works, improve their skills, and increase teacher effectiveness.

While some have expressed concern that this legislation calls for too much testing, I have a different view. A yearly standard test in reading and math will allow our educators to catch any problems in reading and math at the earliest possible moment. Tests are becoming a vital part of life, no matter how onerous. If America is to survive in the rapidly emerging global economy, tests are a key part.

I note that Virginia has already recognized the importance of testing, having installed an accountability system called the Standards of Learning (SOLs). In Virginia, we already test our students in math and science in grades 3, 5, and 8. The No Child Left Behind Act will build upon Virginia's experience.

Increased funding, increased flexibility, and enhanced accountability, are all steps in the right direction that we take with the No Child Left Behind Act. However, I must remind my colleagues that we have more work to accomplish.

President Bush's "No Child Left Behind" blueprint calls for tax relief for America's teachers when they dip into their own pocket to purchase supplies for students. Senator COLLINS and I have worked together since early this year to pass legislation to provide teachers with this type of tax relief. Unfortunately, the bill before us today does not contain these provisions.

In my view, as we leave no child behind, we must not forget our nations' teachers.

The important role that our nations' teachers play in educating today's youth and tomorrow's leaders cannot be overstated. Quality, caring teachers along with quality, caring parents, play the predominant roles in ensuring that no child is left behind.

Nevertheless, in part because of their low salaries and the numerous out-of-pocket expenses they incur as part of their profession, we are in the midst of a national teaching shortage. Teacher tax relief legislation is one way the federal government can help.

So, while I look forward to voting in support of the No Child Left Behind Act and look forward to President Bush signing this important education reform legislation into law, I also look forward to working with the President and my colleagues in Congress to ensure that our teachers receive the tax relief they deserve.

Mr. BAUCUS. Mr. President, I rise today to speak briefly about the education bill before us.

First of all, I thank my colleagues for the many hours of work they have spent on this bill. From day one, they have had the best interests of our students and teachers in mind. It is difficult to design a Federal education plan that supports the needs of the countless school districts around the country. But this bill affirms the Federal Government's role as one that seeks to narrow the achievement gap between poor students and their wealthier counterparts. This is clearly a worthy goal, and, while I am not entirely pleased with this compromise, I plan on supporting this bill when we vote on its approval tomorrow morning.

I believe this education bill sets a platform from which we can build a solid, supportive role for the Federal Government in our schools across the country. I must say, however, that this bill does not do everything it needs to do. I am on the floor today to remind my colleagues that we have a long ways to go, that this bill is merely a step along the way, and that our schools will need additional investments if we want to provide our children with the knowledge and skills that will bring them opportunities for personal and professional success.

I want to outline the challenges that lie before us. Our biggest challenge may be to fulfill old promises before requiring new mandates. I am, of course, speaking of our failure to fully fund the Individuals with Disabilities Education Act, IDEA, this year. I am extremely disappointed that we failed to do so, because I recognize the burden that schools face in coming up with special education funds from their own pockets.

We have the very worthy intent of educating all students in this country, regardless of their ability or capability. It simply makes good common sense that we would do whatever we can to support that cause from the federal level. Fulfilling a promise we made to schools in 1975 is an easy way to support that effort. I challenge my colleagues to build on the successful Senate amendment to fully fund IDEA with a bill to fully fund IDEA during next year's reauthorization.

I also want to challenge my colleagues to recognize that a federal

presence in our state's education systems must fit into the structure of each state. That has not always been the case in my home state of Montana.

Montana's very successful education system is built on a system of local control. Montana's Constitution is built on this premise, giving control of most education decisions to local school boards rather than to the state. This system has proven effective, but makes compliance with state oversight of federal programs difficult, sometimes impossible. As a result, Montana has not been able to meet the testing and assessment requirements implemented in 1994, despite recording some of the highest student outcomes in the nation.

With the strengthening of accountability provisions in this bill, I am very concerned that Montana's education system may suffer from the inability to integrate federal reforms. The construction of Montana law, for example, will make any attempt by the state to "institute a new curriculum," "restructure the local educational agency," "reconstitute school district personnel," or "make alternative governance arrangements," as outlined in this year's bill, an unconstitutional measure. I hope my colleagues recognize this incongruity and will work to insure that our successful system of local control is not stymied by federal intervention.

Finally, for all our talk of wanting to support public education, I think it is unfortunate that we spend an enormous amount of time, energy, and resources in this bill on oversight and accountability measures from the federal level. As I've just mentioned, our state's successes in education have often been the result of local communities taking on the responsibility to build a successful program tailored to their individual environment.

Just as our communities have taken on the responsibility of providing their students with the best possible education at the local level, so must we, at the federal level, make decisions that support our Federal education goals to support local schools and to eliminate achievement gaps. To that end, our focus must be on improved student outcomes. I am not convinced that the provisions outlined in this bill will reach that goal.

I certainly do not want strict controls to be placed on schools, like those in Montana, that have outstanding student outcomes on limited budgets. Montana's schools, for example, would be much better off with additional funds for teacher and principal recruitment and retention programs, school maintenance and repair, technology hardware and training, and on-going professional development opportunities.

In the end, this bill starts us on a very critical path towards addressing the acute and variable needs of schools in states as diverse as Montana and Florida. This bill takes a good, hard

look at the role of the federal government in our elementary and secondary schools for the first time since its inception in 1965. It would be overly optimistic to expect that we could accomplish everything necessary to provide an ideal environment for closing achievement gaps and supporting school teachers and administrators across the country in this bill.

We certainly have not reached that point yet. But we have done something very important in starting that dialogue and in attempting to meet that need. Again, I challenge my colleagues to keep the education debate alive and active and to work every day to make our schools a place where student success is the number one priority.

Mr. MURKOWSKI. Mr. President, the conference report we have before us represents the first comprehensive overhaul of the Federal Elementary and Secondary Education Act, ESEA, in 35 years. And from what all of us have learned, overhaul is mandatory.

Since 1965, the Federal Government has pumped more than \$135 billion into our educational system. Yet despite this infusion of funds, achievement gaps between students rich and poor, disadvantaged and affluent remain wide.

In fact, only 13 percent of low-income fourth graders score at or above the "proficient" level on reading tests. As the 2000 National Assessment of Education Progress shows, the reading scores of fourth grade students have shown no improvements since 1992. That is unacceptable.

This conference report reflects the four principles underlying President Bush's education reform plan—accountability and testing; flexibility and local control; funding for what works, and expanded parental options. President Bush promised that he would bring Democrats and Republicans together to develop an education plan that puts children first. And this conference report reflects that commitment.

The House passed this conference report by an overwhelming bipartisan vote of 381 to 41. Last June, after we debated and voted on more than 40 amendments to the education reform bill, the Senate voted 91-8 in favor of the reform measure. I expect a similar vote on this final conference report.

Why is there such strong support for this measure? I think the reason is simple: we cannot afford as a nation to continue to allow our public schools to languish. Our children represent the future of America, yet they are not getting the best training for their future. The first thing we need to do is bring greater accountability to the education system. This legislation does that.

It requires States to implement annual reading and math assessments for grades 3-8. These annual reading and math assessments will give parents the information they need to know how well their child is doing in school, and how well the school is educating their

child. This is not a Federal learning test. The State will be able to select and design these tests, while the Federal Government would provide \$400 million to help the States design and administer the tests.

The conference report also provides unprecedented new flexibility for all 50 States and every local school district in America to use Federal funds. Every school district would have the freedom to transfer up to 50 percent of their Federal dollars to various educational programs. The conference report attempts to consolidate the myriad Federal programs that comprise ESEA, reducing the number of programs from 55 to 45.

The conference report also provides greater choices for families with children in failing schools. Parents in such schools would be allowed to transfer their children to a better-performing public or charter school immediately after a school is identified as failing. Moreover, additional title I funds, approximately \$500 to \$1,000 per child, can be used to provide supplemental educational services, including tutoring, after-school services and summer school programs, for children in failing schools.

In addition, the conference report provides a major new expansion of the charter school initiative, providing more opportunities for parents, educators and interested community leaders to create schools outside the bureaucratic structure of the education establishment.

I am very pleased that the conferees retained provisions that I authored which allow the Education Department to provide grants to local schools to develop and implement suicide prevention programs. Moreover, States may use Safe and Drug Free funds to finance suicide prevention programs.

This is a critically important program that desperately needs attention. Suicide is the third leading cause of death among those 15 to 25 years of age, and is the sixth leading cause of death among those 5 to 14 years of age. In Alaska, suicide is the greatest cause of death among high school age youths. In fact, Alaska's suicide rate is more than twice the rate for the entire United States.

None of us know the future so we can never say with certainty whether this conference report will achieve the goals that are being set. But we know that what we have tried in the past with regard to elementary and secondary education has not worked. Too many children in America are being left behind. We cannot afford as a society and as a community to allow these failures to continue.

I believe this conference report is an important first step in changing the interaction between Washington and local school districts and that the ultimate beneficiaries will be the students who will become the leaders of tomorrow.

Mr. EDWARDS. Mr. President, after many months of hard work we have be-

fore us today an education bill that represents a quantum leap forward for America's children. We have come together in a common-sense, bipartisan way and we should be proud of the progress we've made.

The bill is a strong one, and I commend my colleagues for recognizing that a quality public education is not a conservative or liberal goal. The education debate in Washington has too often broken down along stale ideological lines. With this bill, we are moving beyond the false choice of greater investment versus stricter accountability. We've struck the right balance by both giving more to our schools and expecting more in return. This bill increases investment in our schools, gives new flexibility to principals and superintendents, encourages high standards for all children, and holds schools accountable for their performance. Every child in America has a right to a world-class education. This bill enacts the reforms and provides the resources necessary to make this right a reality.

My State of North Carolina has much to offer in this debate about national education reform. Since coming to the Senate, I've tried to bring some of North Carolina's successes to the rest of the Nation. I am grateful that the final bill includes a provision which I introduced that will allow States to try out a very simple plan we have implemented with great success in North Carolina.

Here's how our program works: immediately after we learn that a school is in trouble, we appoint a specially-trained Assistance Team composed of experienced educators and administrators who are dedicated to a clear and specific goal: helping that school get back on track. The team begins with an intensive review of school operations to find out what works and what doesn't work.

Then the team evaluates all of the school's personnel; finally, the team works with the school staff and local boards of education to make the changes necessary to restore educational quality, to improve student performance, basically, to turn the school around. It's a simple idea, but sometimes simple ideas can lead to dramatic results, and it has worked in North Carolina. Now other States will also have this same tool in their reform arsenal.

I must confess that I am disappointed that some of our Republican colleagues rejected the proposal by Senators HARKIN and HAGEL to fully fund the Individuals with Disabilities Education Act, IDEA. For almost three decades, the Federal Government has failed to live up to its promise to pay 40 percent of special education costs at the local level. The Senate approved an eminently reasonable, bipartisan proposal to make good on this promise. I regret that this long-overdue provision is not included in the final bill.

For all the progress we have made, my hope is that this bill will only be

the beginning of our conversation about education reform. It will take time to learn whether the changes we are making will work and whether the resources we are providing are adequate. We must commit to reviewing these issues periodically and consistently as the consequences of reform become clearer. Today we take an important first step towards a fundamental reform of American education. But it is only a first step. Even as we approve a strong bipartisan bill, we must commit ourselves to doing all that we can for America's children in the months and years to come.

Ms. SNOWE. Mr. President, I rise today in support of the conference report on H.R. 1, the Elementary and Secondary Education Act Authorization Act, the primary Federal law affecting K-12 education today.

Completion of this reauthorization was a long time coming, considering that the original reauthorization expired last year and that the Senate passed its bill 6 months ago. It is critical that the Senate approve this report prior to adjourning for the session.

The fact is, while education is primarily a local and State responsibility, the seven percent of funding the Federal Government does provide plays a key role in preparing today's students for tomorrow's workforce. We have been faced with the daunting task of reauthorizing and revamping the Federal Government's entire K-12 commitment, and the passage of this conference report comes not a moment too soon for the young men and women of America.

We have spent \$120 billion in title I education funds over the last 35 years, yet we have failed to close the achievement gap between students in high-income and low-income families. We spend near the maximum for students each year compared to our foreign competitors, \$5,300 for a primary education, yet have one of the poorest test records in math, reading and science, with only 40 percent of grade school students meeting today's basic reading standards and only 20 percent who are prepared for high school math. The cold hard truth is that with 89 percent of our kids in public schools, that is almost 50 million students, we cannot afford to let this happen any longer.

So I applaud President Bush for following through on his promises and making education a cornerstone of his Presidency. He has continually set the proper tone by making a case for ensuring that greater flexibility goes hand-in-hand with accountability.

Indeed, the conference report before us creates unprecedented flexibility for States and local educational agencies, while increasing accountability to ensure that they are getting the job done.

This reauthorization allows States to help schools that have not met their annual goal through the dedication of additional resources to help turn the school around, while guaranteeing stu-

dents access to supplemental services to bolster their education. Students are not trapped in failing schools, as the conference report ensures that students in a failing school can transfer to another public school if their home school is considered to be failing for more than 1 year.

In order to have accountability there needs to be some sort of ruler by which to measure the school's success. I am pleased that the conference report allows States to determine not only the assessment system but also the annual achievement goals.

My own State of Maine has worked for several years to develop its own assessment system to ensure that our students, and our schools, are achieving. Having witnessed the evolution of Maine's Learning Results Program over the past several years, I would not support this conference report if I thought that it would interfere with Maine's efforts. To the contrary, I believe it would build on those efforts, and therefore I will support passage of the conference report. Additionally, passage of the conference report is supported by Maine's Commissioner of Education, Duke Albanese.

My support for this package is tempered only by my disappointment that the conferees did fully fund the Individuals with Disabilities Education Act or IDEA. The Senate, by a unanimous vote, supported the inclusion of mandatory full funding for IDEA during consideration of the ESEA bill in the spring.

IDEA is an unfunded mandate that is draining precious resources from our States and in each and every community. Twenty-six years ago, Congress committed to paying 40 percent of IDEA funding, and we have yet to come close. While Congress has more than doubled IDEA funding over the past 5 years, the Federal Government has not contributed more than 15 percent of the total cost of IDEA.

Full funding would free up billions of dollars nationwide, and approximately \$60 million in Maine, freeing up local and State education money which can then be used for other pressing needs. Throughout my tenure in Congress, I have fought for full funding of IDEA and this is a fight I will not give up.

Those conferees who opposed including the full funding provisions in this conference report argued that this program cannot be made mandatory until the program is reformed and reauthorized. Fortunately, IDEA is due for reauthorization next year and I will be working to ensure that it is fully funded.

I appreciate the diligence of my colleagues who sit on the Senate Health, Education, Labor, and Pensions Committee in this effort, and I look forward to supporting this conference report and sending it to the President for his signature. I believe this legislation will make an important difference in the future of our children as well as our Nation.

Mr. SANTORUM. Mr. President, I am very gratified that the House and Senate conferees included in the conference report of the elementary and secondary education bill the language of a resolution I introduced during the earlier Senate debate. That resolution concerned the teaching of controversies in science. It was adopted 91-8 by the Senate. By passing it we were showing our desire that students studying controversial issues in science, such as biological evolution, should be allowed to learn about competing scientific interpretations of evidence. As a result of our vote today that position is about to become a position of the Congress as a whole.

When the Senate bill was first under discussion in this body, I referenced an excellent Utah Law Review article, Volume 2000, Number 1, by David K. DeWolf, Stephen C. Meyer and Mark Edward DeForrest. The authors demonstrate that teachers have a constitutional right to teach, and students to learn, about scientific controversies, so long as the discussion is about science, not religion or philosophy. As the education bill report language makes clear, it is not proper in the science classrooms of our public schools to teach either religion or philosophy. But also, it says, just because some think that contending scientific theories may have implications for religion or philosophy, that is no reason to ignore or trivialize the scientific issues embodied in those theories. After all, there are enormous religious and philosophical questions implied by much of what science does, especially these days. Thus, it is entirely appropriate that the scientific evidence behind them is examined in science classrooms. Efforts to shut down scientific debates, as such, only serve to thwart the true purposes of education, science and law.

There is a question here of academic freedom, freedom to learn, as well as to teach. The debate over origins is an excellent example. Just as has happened in other subjects in the history of science, a number of scholars are now raising scientific challenges to the usual Darwinian account of the origins of life. Some scholars have proposed such alternative theories as intelligent design. In the Utah law review article the authors state, "... The time has come for school boards to resist threats of litigation from those who would censor teachers, who teach the scientific controversy over origins, and to defend their efforts to expand student access to evidence and information about this timely and compelling controversy."

The public supports the position we are taking today. For instance, national opinion surveys show—to use the origins issue again—that Americans overwhelmingly desire to have students learn the scientific arguments against, as well as for, Darwin's theory. A recent Zogby International poll

shows the preference on this as 71 percent to 15 percent, with 14 percent undecided. The goal is academic excellence, not dogmatism. It is most timely, and gratifying, that Congress is acknowledging and supporting this objective.

Mr. ROBERTS. Mr. President, I am pleased that with the passage of this legislation, we are on our way to assisting our Nation's schools in providing a quality education for each and every child. I want to thank Senators KENNEDY and GREGG, Congressmen BOEHNER and MILLER and their staffs for their hard work in crafting a bipartisan piece of legislation that will give children the opportunity to succeed in the classroom.

I am also happy to see that this legislation includes an emphasis on math and science education. Senator FRIST, Congressman EHLERS and myself have worked hard to make sure that there is a renewed focus on a portion of education curricula that needs addressing. Scores on the National Assessment for Educational Progress, NAEP, test in the subject area of science have not improved over the last several years and, in fact, have been lower than previous years test scores. Seniors in high school who took the 2000 NAEP science test scored, on average, three points lower than those taking the test in 1996. Only 18 percent correctly answered challenging science questions, down from 21 percent and those students who knew just the basics dropped to 53 percent. This is simply unacceptable.

According to an Associated Press article that appeared in the Kansas City Star on November 20, many science teachers complain that they can't persuade school officials to give them the time or money required for training. Our math and science provision in this bill addresses this very problem through a variety of ways, including: one, improving and upgrading the status and stature of mathematics and science teaching by encouraging institutions of higher education to assume greater responsibility for improving mathematics and science teacher education; two, create career-long opportunities for ongoing professional development for math and science teachers; three, provide mentoring opportunities for teachers by bringing them together with engineers, scientists and mathematicians; and four, develop more rigorous math and science curricula.

This legislation authorizes the math and science partnerships at \$450 million in the first year. I would encourage my colleagues, especially in light of the recent NAEP scores, to adequately fund this program in order to improve the abilities of our teachers to provide good, quality instruction in math and science.

We are in an age where science and technology fields are booming and yet we cannot produce students who even have an understanding of basic science principles. How can we attract stu-

dents into fields that are experiencing dramatic shortages such as nursing or engineering when they don't have a good background in math and science? We have failed our children and I believe it is imperative to the future of our country to make sure that our children are adequately prepared in math and science subject areas.

I am disappointed that we did not have the opportunity to provide our school districts the financial relief needed in the area of special education. I have strongly supported funding the Individuals with Disabilities Education Act, IDEA, at the full 40 percent and yet we will go another year with it being inadequately funded by the Federal Government. We have made dramatic improvements in the funding levels over the last several years. However, we are now only providing approximately 15 percent instead of the 40 that we said we would commit 26 years ago. I look forward to working with my colleagues who have stated throughout the conference their willingness to address this issue next year when IDEA will be reauthorized.

I am pleased with our overall product and will be looking forward to seeing results in the years to come as our States and local districts work to implement the reforms made in this bill. I believe the State of Kansas overall provides a good education for its children and I look forward to seeing the quality of education in Kansas get even better.

Mr. LEAHY. Mr. President, I rise today to express my opposition to the conference report of H.R. 1, The No Child Left Behind Act of 2001. Earlier this year, I voted in support of S. 1, the Better Education for Students and Teachers Act, with the belief that we were taking the first step toward enacting quality education reform in our nation's schools. My support for this legislation was to be contingent upon taking an essential second step providing adequate financial resources for carrying out these reforms. I will repeat now what I said then: unless we commit ourselves to providing the resources necessary for States to carry out the reforms outlined in the bill, we will be doing serious harm to our children. I am afraid that in passing this bill, we are headed down that very path.

First, I want to express my strong disappointment that an amendment adopted during the Senate's consideration of this bill, authored by Senator HATCH and myself, was dropped in conference. This amendment would have re-authorized Department of Justice grants for new Boys and Girls Clubs in each of the 50 States. In 1997, I was proud to join with Senator HATCH and others to pass bipartisan legislation authorizing grants by the Department of Justice to fund 2,500 Boys and Girls Clubs across the nation. Our bipartisan amendment to this education bill would have authorized \$60 million in Department of Justice grants for each

of the next five years, enabling the establishment of 1,200 additional Boys and Girls Clubs across the nation. These new grants would have brought the total number of Boys and Girls Clubs to 4,000, serving 6,000,000 young people by January 1, 2007.

In my home state of Vermont, these federal grants have helped establish six Boys and Girls Clubs in Brattleboro, Burlington, Montpelier, Randolph, Rutland, and Vergennes. Together, Vermont's Boys and Girls Clubs have received more than \$1 million in Department of Justice grants since 1998. I know what a great impact these after school opportunities have had in these communities, and it is clear to me that more resources must be invested in order to help our kids lead healthy lives and avoid the temptations of drug use. I am disappointed that some members of the conference committee did not want to ensure future funding for these successful programs.

Some of the most publicized and often-discussed provisions of the No Child Left Behind Act are the expanded requirements for measuring student performance through annual testing of students in grades three through eight in math and reading. This conference report requires states to develop and administer this annual testing. While accompanying appropriations will provide the resources necessary to pay for a portion of the costs of developing and administering the tests, the funds are far less than what will be necessary, leaving Vermont and other states with large financial gaps to fill. At a time when our economy is slowing and states are facing difficult budget choices, the Federal Government should not be placing burdensome, unfunded mandates on local and state officials, especially when there are education funding commitments the Federal Government is still yet to meet.

With this legislation, Congress had before it the opportunity to reverse its decades-long transgression in the area of special education funding. The conferees rejected a provision adopted during the Senate's consideration of the education bill that would have ensured that the Federal Government finally lived up to its commitment to our children with special needs and the communities in which they live. I am deeply troubled by this. When Congress first passed the Individuals with Disabilities Act, IDEA, the States were required to comply with the special education provisions, and in exchange, the Federal government would contribute up to 40 percent of the costs. Instead, the Federal contribution is generally only 12 to 15 percent, far from the promised 40 percent. The provision included in the Senate-passed bill would have required the government to contribute the 40 percent by changing the Federal contribution from discretionary spending to mandatory. In Vermont, countless communities struggle each year to pass their local school budgets, hampered by the high

costs of providing special education. The actions of the conferees fail to provide the relief States are owed, and have instead placed additional mandates that State and local education officials must find a way to address.

In addition to the inadequate resources provided for special education, and for implementation of the assessment provisions, I am concerned about the extensive Federal control exerted in this bill over the evaluation of whether a school is failing. I am particularly concerned about the definition of what constitutes a failing school, especially because this is a determination that could ultimately lead to the elimination of Federal funds for that school. Finally, I find troubling the degree to which this legislation increases Federal control over teacher qualification and greatly increases administrative paperwork for the States.

Current statistics leave no doubt that some schools in our country are failing—education reform is necessary in some parts of our country. One of the fundamental problems with this legislation, however, is that in recognizing the areas in our education system that are failing and in need of assistance, it fails to recognize the successful things happening in education in some States. My state of Vermont leads the Nation with its innovative and effective policies for assessing student performance and providing necessary technical assistance to struggling schools. This new Federal legislation will require that Vermont abandon its home-grown successful tools and implement—at a high cost—new tools selected by Federal lawmakers that appear to be aimed at failing schools in our Nation's urban areas. This legislation will require schools to make major changes in a short period of time without the resources necessary to implement these changes. With difficult financial times ahead for many States, including Vermont, this Federal law will force State legislatures to make very difficult budget choices in order to comply with these new Federal mandates.

I commend the bipartisan effort that has gone into crafting this legislation. I know that my colleagues all want to ensure that our Nation's children have access to the quality education they deserve. Unfortunately, despite these efforts, the legislation that has been pieced together does more harm than good for school children in Vermont. While there are some positive reforms included in the final measure, there is far more that will hurt Vermont's local educational efforts and cost the State dearly in financial resources. As the former chairman of the Education Committee for many years, and as a leader in education policy, my distinguished colleague from Vermont, Senator JEFFORDS, understands better than most the impact that this bill will have on our home State. During this debate, Senator JEFFORDS' continued perseverance on the issue of increased

Federal special education funding has been outstanding, and I commend his tireless advocacy on behalf of our Nation's schoolchildren.

I regret I am not able to support this legislation today. And I regret that we will likely find ourselves on the Senate floor sometime soon, once again discussing education reform efforts. Next time, though, I believe we will be here to discuss how to fix the harm we have done in passing the legislation before us today.

Mr. SMITH of New Hampshire. I rise to say a few words about the Conference report to the Elementary and Secondary Education Act also known as the Better Education for Students and Teachers Act, H.R. 1.

First of all, I want to thank President Bush for his leadership on this important issue, which he has made a cornerstone of his domestic agenda. He is to be commended for this commitment to local control of education, and for "leaving no child behind."

As a former civics and history teacher and school board chairman, I know that decisions regarding education are best executed at the local level, and that we should not run our public schools from Washington DC.

Although the Senate's education bill, S. 1, lacked several important reform provisions, I voted for the bill's passage on June 14 of this year.

I supported the bill because I wanted to move the ball forward to improve our nation's educational system. I supported the bill because I am tired of the status quo.

I am tired of failing schools, and smart kids who are trapped in them. I am tired of money that is directed to our classrooms being spent on bureaucracy. I am tired of the United States' academic progress falling far behind that of other nations.

The reconciled education bill will make modest but necessary and much needed reforms with the goal of making lasting improvements for our nation's schools.

Bill Bennett, the Secretary of Education under President Ronald Reagan and one of the most respected leaders in the education reform movement, said in a recent article that there are several basic ingredients to a quality education for America's children. These ingredients are:

First, strong leadership and excellent teachers;

Second, principals and teachers sharing a common vision of the school's academic mission with clearly defined goals which are adhered to;

Third, a commitment to homework and testing;

Fourth, teaching character education; and

Fifth, a successful school hinges on parents being involved in the academic lives of their children.

I agree with Mr. Bennett completely.

I want to first speak about funding for the Individuals with Disabilities Act, or IDEA as it is commonly called.

I have heard from a number of New Hampshire constituents who are concerned about the Federal Government's commitment to funding our share of the costs associated with educating children with disabilities. IDEA does receive substantial funding increases in this bill. I support fully funding the IDEA mandate, and I am also committed to making sure that localities have more flexibility and that true reforms, such as cost control, are enacted to IDEA.

I look forward to addressing IDEA next year when this bill is reauthorized by Congress. I hope to be able to offer amendments to reform and improve this important legislation at that time.

I am also proud to report that this bill reflects the principles of two out of three amendments that I passed during consideration of S. 1. The first amendment requires the Department of Education to initiate a study on sexual abuse in our nation's schools. This is a very serious problem that, unfortunately, has received very little national attention, and I am glad that this amendment was included in the final bill.

The second amendment applies "Dollars to the Classroom" principles to all Federal formula grant programs, and directs 95 percent of this money to the local level.

Unfortunately, the vast majority of all federal education funds do not go to schools or school districts.

According to the Heritage Foundation, audits from around the country have found as little as 26 percent of school district funds are being spent on classroom expenditures. Classroom expenditures are defined as expenditures for teachers and materials.

Twenty six percent is unacceptable to me.

Heritage also found that my home State of New Hampshire only receives 47 cents to the dollar of federal education money. What becomes of the remaining 53 cents?

Many of my colleagues believe that throwing more money at our education system will solve all of its problems.

I respectfully disagree, and let me briefly tell you why.

Over the last 36 years, the federal government has spent more than \$130 billion to shrink the scholastic achievement gap between rich and poor students.

I am here to report that not much has improved.

Poor students lag behind their peers by 20 percent even though the scope of the Elementary and Secondary Education Act (ESEA) has expanded.

In fact, the average fourth grader today who comes from a low-income family reads at two grade levels less than his or her peer in that same classroom.

One of the biggest reasons for this failure is that very little accountability exists for how all of this money is spent.

Greater accountability and flexibility, not more money, is the key to education reform.

I am also proud to report that the House/Senate agreement would provide all States and local school districts with the flexibility to shift Federal dollars earmarked for one specific purpose to other uses that more effectively address their needs and priorities.

States would now be allowed to make spending decisions with up to 50 percent of most of their non-title I administrative funds that they receive from the Federal Government.

The proposal would give every State the freedom to choose alternative uses for these funds within certain broad guidelines; for example, technology funds could now be used by the state to improve teacher quality. States can also use Federal funding to improve education for disadvantaged students.

In addition, every local school district will be able to transfer up to half of its non-title I funds at its discretion.

I am also pleased to report that the proposal would also allow 150 districts to apply for waivers from most Federal education rules and requirements associated with a variety of ESEA programs, as long as they obtain certain achievement levels for their lower-income students.

Additionally, seven States will receive additional flexibility, making it possible for State and local education agencies to enter into State-local "flexibility partnerships" to coordinate their efforts and put Federal resources to their most effective use for students.

Although these provisions fall short of what was originally envisioned for the Straight A's concept, I am pleased that we have a foundation on which to build regarding funding flexibility.

It is my hope that these States and school districts will effectively demonstrate that less government heavy-handedness, with more local control and broader decision making power at the local level is the key to improving schools in this nation.

The conference report also consolidates wasteful federal programs.

The proposal would reduce the overall number of ESEA programs to 45, which is 10 fewer programs than in current law, and 34 fewer programs than in the Senate-passed legislation. The proposal would accomplish this by streamlining programs and targeting resources to existing programs that serve poor students.

Additionally, H.R. 1 would, for the first time, require States to begin using annual statewide assessments and insisting that states show that progress is being made toward narrowing the achievement gap.

National testing and federally-administered exams would be prohibited: States would be able to design tests that are consistent with its current academic standards—not Washington D.C.'s standards. States would need to ensure that student academic achievement results could be compared from year to year within the State, and fed-

eral funding will be provided to States so they can develop their annual assessments. I also believe that parents should have a choice in schooling options for their children. This can come in the form of tax credits, the option to change to another public school, or private school vouchers. Under the agreement reached by the House and Senate, approximately a portion of title I funding would, for the first time ever, be used to allow parents to obtain supplemental educational services for their children. These services include tutoring, after-school services, and summer school programs.

I am pleased that private, church-related and religiously-affiliated providers would be eligible to provide supplemental services to disadvantaged students. For the first time ever, Federal title I funds would be permitted to flow to private, faith-based educational providers. Another component of H.R. 1 would provide parents with the opportunity for a child trapped in a failing school to transfer to a better public school, including a charter school, with their transportation costs paid for. Although I would have preferred Federal funding being permitted to flow to private schools as well, I am glad that we obtained a good, first step toward the goal of greater accountability in our schools. H.R. 1 contains language to push States and local districts to take responsibility for ensuring teacher quality through testing and certification. It also protects teachers who are trying to maintain order in the classroom by shielding them from frivolous lawsuits. Finally, there are several provisions in the reconciled bill which will give rights to parents that were not available to them previously. Schools must now develop a policy to allow parents the right to inspect surveys given to their children as well as instructional material used as curriculum for their child's education. Parents must be notified about surveys and medical exams and will have the right to opt their child out of them. In addition, parents have new rights to see the National Assessment of Educational Progress (NAEP) test, comment on it, and to receive a response to their concerns. Parents may also choose to opt their child out of the NAEP exam.

I am pleased with several aspects of H.R. 1, because it: Attempts to close the achievement gap; provides flexibility to States and school districts; promotes accountability and teacher excellence; increases parental involvement; provides for a limited education choice component; and finally, this legislation returns decisions regarding education back to the local level, where they belong.

Our children are the future of this Nation. Now, more than ever, we need to guarantee that they will receive a quality education and that federal money will flow to where it is most effective. We need to support our kids and push them to excel. We need to

equip teachers to effectively educate our children. And we need to empower parents to be more involved in the lives of their children. Although there are still aspects of the conference report that I wish were stronger, I am pleased that we are taking incremental steps to raise the grades for our Nation's schools.

Mrs. BOXER. Mr. President, when we first began the debate on the education reauthorization bill, I came to the floor calling for three simple things—reform, resources, and results.

Overall, I believe this education bill makes a significant step toward achieving these three goals, and I want to highlight some of the bill's important provisions.

The bill includes improved targeting of federal funds to the neediest communities and increases support for Limited English Proficient and migrant students.

It continues our federal commitment to improve public schools by reducing class sizes and overcrowding in order to provide safe and orderly places for learning. This will improve the performance of students and teachers in our public schools.

Because I am a firm believer in school testing and accountability standards when properly structured, I am pleased that my colleagues were able to reach a compromise so that the federal government will pay its fair share in supporting the new standards in schools.

This bill also maintains the emergency school repair and construction program, and ensures that every classroom will be led by a qualified teacher.

But the provision of this bill of which I am most pleased is the Title V provision on afterschool programs. This Title includes the afterschool amendment that I offered with my colleague Senator ENSIGN.

Studies have shown that services such as afterschool programs are some of the most important weapons against juvenile crime by keeping our kids out of the streets.

Afterschool programs provide academically-enriched services during the hours of 2 p.m. and 8 p.m., which the FBI reports are the times when children are most likely to be involved in crimes and other delinquent behavior.

This is why I strongly believe in the 21 Century Community Learning Centers program and am delighted that this authorization bill contains the first ever multi-year authorization for afterschool services.

Although my amendment would have provided a total of \$4.5 billion in funding for fiscal year 2008, I am extremely pleased that this bill makes a significant step forward in achieving this goal by authorizing over \$300 million in additional funds for fiscal year 2002 for a total of \$1.25 billion. This bill then increases funding levels by \$250 million each year for the next five years.

This will allow for a total of \$2.5 billion in 2007 and will provide nearly four

million children in need access to afterschool programs.

Finally, I want to mention one thing this bill does not include that it should. The federal government needs to meet its commitment by contributing 40 percent of the average per pupil expenditure toward the funding of special education programs.

Providing full funding of the Individuals with Disabilities in Education Act would have helped alleviate some of the strain placed upon school districts to educate both regular and special education students.

While I regret that we were not able to include mandatory full funding for special education programs, I know that my colleagues and I will not rest until this finally becomes a reality.

Reform plus Resources equals Results. This is the recipe to a successful public school system. Just like any good recipe, we cannot reasonably expect to have a successful public education system if we are not willing to put forth the necessary resources.

I believe that this Education Reauthorization bill symbolizes the willingness of all parties to put aside their differences and work toward the betterment of our children.

Make no mistake, we still have a long way to go toward fully supporting our public education system, but I believe that this bill is a positive step forward in achieving this goal.

Mr. ROCKEFELLER. Mr. President, I rise today to support the final conference report on the Elementary and Secondary Education Act, ESEA, and I commend Senator KENNEDY and all the conferees for their hours of negotiations to forge consensus on this vital legislation.

This package outlines our major Federal framework for education policy for the coming years. The bill requires new emphasis on achievement through annual testing and school report cards, but it also calls for new investments to reach these higher education goals. We must have higher education standards. This bill creates new goals through the Adequate Yearly Progress, AYP, standards, which charts a 12-year strategy to achieve education goals, with meaningful measurement along the way, to ensure that all children, especially disadvantaged students, get help and make strides. Students in schools that are struggling and fail to meet the standards will have the option of afterschool tutoring, which is a good compromise to ensure help to students without using controversial private school vouchers that drain needed resources from public schools.

While high standards are crucial, it takes real resources to achieve them. This legislation authorizes meaningful increases in title I funding for disadvantaged schools and IDEA. This year, West Virginia received \$73.7 million in title I funding. Today's legislation authorizes new investments in title I; depending on the final negotiations in the pending Labor-HHS-Edu-

cation appropriation conference, West Virginia will receive between \$78.8 million to \$80.9 million for title I, which will be essential to achieving our new goals. However, pushing for the additional resources is not a single event; it will mean hard work on appropriations for the next 6 years. I am committed to working with Senator KENNEDY and others to deliver on the needed funding to fulfill our promises on education.

This is a major legislative initiative. I particularly want to note the emphasis on reading for young children. Teaching a child to read, and read well, is a fundamental building block for education. We should be proud of the bill's provisions highlighting reading and literacy, and its special support for reading programs for preschool and early grades. I am also pleased about the new emphasis on drop-prevent programs and parental involvement. In addition, this legislation protects and continues some key education programs, including the Safe and Drug-Free School program which I worked to create more than a decade ago. We all understand the importance of school safety and protecting children from the dangers of drugs and alcohol.

Our bill requires that all teachers be qualified in their subjects by the school year beginning in 2005. This will be a challenge in West Virginia and many States, especially in crucial subject areas like math and science. When I talk with business leaders in my State, they bring up the importance and the difficulties of attracting teachers who are qualified, especially in math and science. Given the national shortage of teachers, this will be hard to achieve, but we simply must ensure that our teachers are qualified in their subjects if we hope to achieve the adequate yearly progress standards.

In the Senate, we voted to fulfill our Federal commitment to fully fund the IDEA program, which suggests that the Federal Government pay 40 percent of the costs of educating children with disabilities. However, while progress was made on better funding for IDEA, we did not reach the Senate goal of full mandatory funding, and this is a real disappointment to me.

We need accountability and high standards, but we also need investments to achieve those key goals. This legislation provides the framework for success. It will up to President Bush and the Congress to work together over the coming years to secure the investment needed to fill in this bold plan for education reform.

Mr. FEINGOLD, Mr. President, the Senate is about to vote on one of the most important pieces of legislation that we have debated this year. The Elementary and Secondary Education Act has provided the framework for the Federal role in education for more than 35 years. The conference report currently before us, the "No Child Left Behind Act," will chart the course for the Federal role in education for the next 6 years and beyond.

I strongly support maintaining local control over decisions affecting our children's day-to-day classroom experiences. The Federal Government has an important role to play in supporting our States and school districts as they carry out one of their most important responsibilities, the education of our children.

Every child in this country has the right to a free public education. Every child. That is an awesome responsibility, and one that should not have to be shouldered by local communities alone. The States and the Federal Government are partners in this worthy goal, and ESEA is the document that outlines the Federal Government's responsibilities to our Nation's children, to those who educate them, and to our States and local school districts.

It is with this conference report that we must find the right balance between local control and Federal targeting and accountability guidelines for the Federal dollars that are so crucial to local school districts throughout the United States.

I remain opposed to the new federally-mandated annual tests in grades 3-8. I am concerned that adding another layer of testing could result in a generation of students who know how to take tests, but who don't have the skills necessary to become successful adults. I am pleased that the conference committee retained a Senate provision to ensure that the tests that are used are of a high quality and that the conference included language to ensure that the test results are easy to understand and are useful for teachers and school districts to help improve student achievement.

I fear that this new annual testing requirement will disproportionately affect disadvantaged students. We should ensure that all students have an equal opportunity to succeed in school. I am pleased that this conference report authorizes a 20-percent increase in title I funding for fiscal year 2002 and that it authorizes additional increases for this crucial funding in each of the next 5 years, 2003-2007. I am also pleased that the conference report includes language to ensure that these dollars are targeted to students who need them the most. I will continue to work to ensure that Title I is fully funded.

I am pleased that the conference report includes language to ensure that the States will not have to implement or administer this new Federal testing mandate unless the Federal Government provides a specific amount of funding. While the true cost of this mandate is still unclear, it is clear that the Federal Government should provide adequate funding for this new requirement.

I regret that the House-Senate conference voted to strip a Senate provision that would have guaranteed full funding of the federal share of the Individuals with Disabilities Education Act, IDEA. This action, coupled with the new Federal testing mandate, could

push already stretched local education budgets to the breaking point. I will continue to work for fiscally responsible full funding of the Federal share of IDEA when the Senate considers reauthorization of that important law next year.

This debate gave Congress the opportunity to strengthen public education in America. Unfortunately, many of the provisions contained in the conference may undermine public education by blurring the lines between public and private, between church and state, and between local control and Federal mandates. Because this conference does not provide the resources necessary to implement its goals, it will leave many children behind. For those reasons, I will vote against it.

Mr. THURMOND. Mr. President, I rise in support of the conference report to accompany H.R. 1, the No Child Left Behind Act of 2001. President Bush has provided the leadership for this landmark education reform bill. I also commend the conference members and Senate leadership on forging an agreement that revises and improves the role of the Federal Government in the education of our children.

The education of the children and youth of our Nation is a cause I have served for many years. In fact, my first job, upon graduation from Clemson, was as a teacher and coach. Later, I served as the County Superintendent of Education in Edgefield County, SC. There have been many changes over the years within the educational system of our Nation in structure, policy, technology and methods. However, there are principles which remain constant. The fundamentals of successful teaching, caring teachers, prepared students, and involved parents, have not changed. This conference report builds on those fundamentals.

This legislation reflects the principles set down by President Bush in his education reform proposal. While it does not include all that we might have wished, I believe that it will serve the students of the Nation well. The President asked us to link funding to scholastic achievement and accountability, expand parental options, maintain local control, and improve the flexibility of Federal educational programs. This conference report delivers on all of these reforms.

First, I am very pleased with the accountability provisions of this legislation. I believe the testing and reporting provisions are the most promising reforms. School performance reports and statewide results will give parents and educators much-needed information about their students' progress. These provisions, along with the expanded school choice provisions, should provide our schools with sufficient incentives to make improvements.

The streamlining of Department of Education programs will allow local schools to focus on educating children rather than filing paperwork. As a former Governor, I am especially

pleased that the legislation will also enhance local control by allowing local school boards more discretion in how they spend their education funds.

In addition, the legislation authorizes a number of specific programs which I supported as the Senate debated this bill and I am pleased to see these included in the conference report. The President's Early Reading First program will help boost reading readiness for children in high-poverty areas. The Troops-to-Teachers Program is an innovative approach to bring experienced individuals into the classroom and helps our former Servicemembers with their transition to civilian life. Finally, I strongly supported an amendment, the "Boy Scouts of America Equal Access Act." This provision will ensure that our patriotic youth groups will be allowed access to public schools.

In South Carolina, while we are improving in our educational performance, we have a long way to go. This legislation, will greatly assist us in our goal to leave no South Carolina child behind. Again, I thank the President for his leadership on this issue. I am pleased to join in my support of this legislation which will help improve the education of the youth and children of our great Nation.

Mr. VOINOVICH. Mr. President, if there is one thing that the Senate can agree on, it is the obligation we have to help prepare our children for the future. Even as we recognize the importance of education, we must ask ourselves, if this government function is so important, how do we best meet this obligation?

This bill does not meet our children's education needs in the best way possible. This bill throws money at problems that can ultimately only be resolved by more parental involvement, and it violates our Nation's long-held tradition of federalism in which duties not expressly assigned to the Federal Government are assigned to the State and local level. By seeking to abolish the role that State and local governments, specifically locally elected school boards, have in our children's education, I fear will put us on the slippery slope to the eventual federalization of all education in this country.

Despite its grave faults, the conference report to H.R. 1, the Better Education for Students and Teachers Act contains several provisions that I favor.

The bill contains a modest performance partnership provision that will help us build on the Education Flexibility Partnership Act that I worked to help pass in the 106th Congress that allows States to consolidate Federal education programs to meet local needs.

H.R. 1 also expands local flexibility and control by block-granting funds, consolidating many programs, and includes another amendment that I sponsored to allow local districts to spend title II funds, if they desire, on pupil services personnel.

On balance, however, these token allowances to local control are insufficient to outweigh the all out assault on local control represented by this bill.

As a former Governor and mayor, I've seen how well State and local governments can respond to the needs of the people they serve. The Federal Government cannot and does not have a better understanding of how to serve the millions of students in local school districts across this great country. That is the responsibility of sovereign local school boards working together with parents, educators and community leaders. Congress is not the national school board and any attempt by it to play that role will result in a Federal curriculum of one-size-fits-all programs that fail to prepare a nation of students for the challenges ahead.

Our forefathers specifically warned us against the urge to federalize in the 10th amendment:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

Education is one such responsibility. Since our country's creation, those at the local level have been responsible for educating our children. In fact, only in the past 35 years has the Federal Government even had much of a role in education policy, albeit a small one.

The reason for this is that the educational environments of our children greatly vary by region, just as the economies of our Nation's regions greatly vary. Therefore, universal education solutions will always elude us.

As my colleagues know, the Federal Government currently provides approximately 7 percent of all money spent on education in America, while 93 percent is spent by local and State educators. Indeed, in spite of this limited expenditure of Federal funds, Congress is saying with this bill that the Federal Government has the right to dictate that every school district in America will test their students from grades 3 through 8.

This testing will occur regardless of how well students are performing in their particular school districts, and despite the fact that most of our states have mechanisms already in place that test students' educational performances.

I can assure you that there are many teachers in Ohio who are going to be saying, "here we go again." We already have in place statewide standardized tests in Ohio, which were controversial enough when they were established, I speak from first-hand experience here. Yet these tests have been good measures of the progress students are making and were, in fact, recently revised to be even more effective. Even these statewide tests have been criticized by local voices, however, for being too centralized to be effective. That's because the tradition of local control of education is zealously guarded in our Nation and will not be easily surrendered.

This bill also steps on State and local control in its provisions addressing failing schools. What this bill fails to appreciate is that many states, such as my home State of Ohio, are already addressing the needs of failing schools by increasing accountability, measuring school performance, building the capacity of local schools and district leaders, and providing significant resource assistance to low-performing and at-risk schools.

Also under H.R. 1, the Federal Government would be able to tell States that its teachers in many schools must meet certain Federal qualification and certification requirements.

Further, the Federal Government would tell school districts how to spend funds in a number of areas including: reading; teacher development; technology; and programs for students with limited English language skills, instead of providing States and local school districts with full flexibility to spend funds on their own identified priorities.

Many groups, from the American Association of School Administrators to the National Conference of State Legislators are opposing passage of this conference report, in large part because of its increase in the scope and influence of the Federal Government into education matters best left to our States and localities.

None of these provisions are, on their face, bad for education. What is troubling is the direction in which these measures lead us. Make no mistake, with this bill we take a giant leap forward toward federalizing our education system. We should not let Federal bureaucrats become the national school board.

Besides violating a long-held principle regarding State and local control over schools, the bill's fatal flaw is that it increases authorized spending for education by more than 41 percent over last year's budget.

According to the Congressional Research Service, CRS, ESEA spending totaled \$18.6 billion in fiscal year 2001. The total authorization level for this conference report for fiscal year 2002 is \$26.3 billion. If this level of funding is appropriated, that is more than a 41-percent increase. However, according to CRS, 16 of the programs listed in this ESEA bill are listed at unspecified authorization levels, and, therefore, are not included in that \$26.3 billion level. So the final cost to the taxpayer may well be higher.

When you consider that the House and Senate agreed to a budget resolution that included a modest increase in Federal spending over last year's budget of approximately 5 percent, it's obvious that if we are to fund ESEA with a 41-percent increase, many legitimate functions that are the true responsibility of the Federal Government may not be met. Our situation has been exacerbated by a war and a recession.

The response to these concerns are, of course, "But Senator VOINOVICH, are

you saying that our children do not deserve all that we can provide them?" My response to that shallow criticism is, in fact, "Yes, our children deserve all that we can provide them, such as a strong military, and adequate funding for transportation and health research, prescription drugs and unemployment insurance and all the myriad other worthy efforts in which the Federal Government engages."

We pursue this bill and provide this unsustainable amount of funding authorization as if our Federal Government has no other obligations. In a perfect world, I would love to be able to provide this much money for education, but a perfect world isn't governed by a budget resolution and a perfect world doesn't come with other expensive priorities that must fit within a finite pool of dollars.

It is high-time for Congress to stand-up and show that it has the courage to be fiscally responsible, to prioritize our spending on the basis of those responsibilities that are truly Federal in nature, and to make the tough choices. It is completely irresponsible to issue new debt and further burden our children in the name of preparing them for their futures. The two are irreconcilable and highlight one of the major faults of this bill.

While I realize that the conference report to H.R. 1 will pass and will likely be signed into law, I cannot in good conscience vote in favor of this legislation. It is a well-intentioned bill but spends far too much money at a time when we can least afford it, and on priorities that are better left to our State and local governments.

Mr. COCHRAN. Mr. President, the No Child Left Behind Act provides the authorization for Federal assistance to States for the education of the children of our Nation.

I support this conference report, and I am pleased with the emphasis on flexibility it permits for State and local educators. I appreciate very much the courtesies shown to me during the consideration of this bill by the chairman, Mr. KENNEDY, and ranking member, Mr. GREGG, of the Health, Education, Labor and Pensions Committee. The conference report includes several programs which are of particular interest to me, and were the subject of an amendment I offered and was accepted by the Senate during our initial consideration of H.R. 1.

The National Writing Project is one such program. This provides teacher training in the effective teaching of writing at 164 sites located in 50 States, the District of Columbia and Puerto Rico. It has been a Federal program for 10 years, and is the only Federal assistance program aimed at writing.

Another area of interest is targeted to young children before they begin school, and helps ensure they are ready to learn when they arrive at school. The public television program, Ready to Learn, was launched in 1994, and was initially authorized by legislation au-

thored by the chairman and myself. The essence of Ready to Learn is a full day of non-violent, commercial-free, educational children's television programming broadcast free of charge to every American household. This daily broadcast includes some of the most popular, award-winning and engaging programming available today such as Arthur, Clifford, and Reading Between the Lions.

Other programs that have proved to be of great assistance to local school districts which are included provide grants for arts, civics, and foreign language education. These grants enable schools to provide enhanced, competitive education opportunities to students in all parts of the country.

I am especially pleased with the opportunities authorized in reading instruction and assessment. The bill provides incentives to schools to seek out programs with research based and proven methods as described by the National Reading Panel.

Also authorized is funding for the National Board of Teaching Standards, which is responsible for providing a voluntary assessment base for teachers in all disciplines. This is a very sought after resource for professional development as well as assessment. The teachers in my State, for example, are given financial incentive to seek the certification of the board. Teachers report that the process for the certification makes them better and happier teachers.

These are a few of the programs in which I've been personally involved throughout the consideration of the No Child Left Behind Act.

I am very hopeful that the new education authorizations and the reauthorization of effective education programs will bring better learning opportunities to all of America's students.

Mr. NELSON OF Nebraska. Mr. President, I rise to announce my opposition to this conference report.

During my campaign for the Senate last year I promised the people of Nebraska that if George W. Bush occupied the White House, I would support him when I believed he was right, and oppose him when I thought he was wrong. In my first year in the Senate, I have worked with the Bush administration to negotiate a tax cut, craft a compromise on a Patient's Bill of Rights, and, recently, negotiate an economic stimulus package. I have kept my promise to work with President Bush when he is right, and now I must keep my promise to oppose him when he is wrong.

As Governor of Nebraska, I repeatedly protested the Federal Government's practice of imposing unfunded Federal mandates on the States, requiring the States to do something without providing the adequate funding for them to do it.

The President's plan will impose a massive unfunded mandate on Nebraska in the form of annual testing,

and it fails to provide relief from a previous mandate imposed by the Individuals with Disabilities Education Act. Because of these mandates, I do not believe that the President's plan will improve education in Nebraska and I am deeply concerned that it may likely cause greater financial harm.

The lack of IDEA funding is the bill's biggest failure, and my primary reason for opposing it. When Congress passed the Individuals with Disabilities Education Act in 1975, it promised to pay 40 percent of the cost of educating children with special needs. Since then, it has never contributed more than 15 percent of the funding for special education, with the States left to cover the shortfall, placing a greater strain on local property taxes.

When the Senate originally passed this bill in June, it included an amendment by Senators HARKIN and HAGEL to finally require the Federal Government to pay its 40 percent share of the costs of special education. Unfortunately, the final version does not include the Harkin-Hagel plan, depriving the State of Nebraska more than \$300 million over the next 5 years. The failure to fully fund IDEA short changes not only the services provided to students with disabilities, but all students by forcing reductions in other State and local education programs.

The bill will also impose costly, burdensome, and, some would argue, duplicative annual testing requirements on Nebraska's schools. The President has said that these tests will provide accountability for schools that fail to properly educate their students, but Nebraska schools are already holding themselves accountable.

We have a rigorous program of standards and assessments in place and our students consistently rank among the best in the Nation. Local schools and community leaders have worked hard with the State Department of Education to put this system in place and we know it is working. The State of Nebraska has no reservations about being held accountable for educating its students. But I believe the people of Nebraska have every right to demand accountability from the Federal Government and I do not believe they are getting it with this bill.

This legislation will require Nebraska to develop and administer a dozen additional tests each year to be in compliance but it does not provide adequate funding to do so. Across the Nation, fewer than a third of the States have assessments in place that will satisfy the requirements of this bill. But States are already spending in excess of the \$400 million provided by the bill on their assessment programs, before you factor in the new tests. We know from the outset that this is going to cost States a considerable amount of money at a time when taxpayer dollars are already scarce.

That is not my idea of accountability. Combined with the failure to fully fund IDEA this marks a retreat from accountability.

The National Governors Association recently announced that collectively the States will report a \$35 billion deficit this year. In 2001, the State of Nebraska suffered a \$220 million budget shortfall. To make up for the shortfall caused by these unfunded mandates, local governments will have to dramatically cut education spending, or significantly increase property taxes. As a former Governor who has had to deal with the challenges of balancing State budgets, neither of these options is acceptable in my estimation.

This will be a difficult vote for me. The President and most of my colleagues, both Democrat and Republican support this legislation. I know that my colleagues have worked very hard to reach this agreement and I appreciate their hard work. There are some victories to celebrate. The bill provides a significant increase in overall funding, better targeting of title I resources, greater flexibility, some additional funding for rural schools, and mentoring legislation that I worked on with Congressman OSBORNE.

But on balance, I do not believe that these ultimately outweigh the financial problems that the plan will create within local schools and the State budget, and accordingly, I must vote no on this bill.

Mr. LEVIN. Mr. President, I support, with some reservations, the the Elementary and Secondary Education Act Reauthorization conference report, which the Senate is about to overwhelmingly adopt. While I support this legislation as a whole, I continue to have some concerns about testing provisions which it contains, and I believe that the Congress must monitor the impact of these provisions on students. I also regret that the Senate provision requiring Congress to fully fund the 40 percent of special education costs, was not retained in the conference report. Keeping this commitment is critical and we must address this issue next year during reauthorization of the Individuals with Disabilities Education Act, IDEA.

Since 1965, the Elementary and Secondary Education Act has sought to help our K thru 12 students learn in an appropriate learning environment as well as assist school communities in meeting new and growing challenges. The work that we have concluded today seeks to help all students make progress toward reaching their full potential. It sets high standards for all children and provides flexible Federal support that focuses on initiatives that we know are effective, such as: smaller classes, high quality teachers, after-school programs, technology and technology training for teachers, targeting resources to title I for educationally disadvantaged students, support for students with limited English proficiency, an expanded reading program, a strong Safe and Drug Free Schools Program, and guarantees of a quality education for homeless kids. Therefore, on balance, I believe this is a good bill,

not just because of what it does, but because of what it does not do. We successfully defeated vouchers, block grants, the repeal of After-School programs and the repeal of funding for emergency school repair and construction.

I am especially pleased that this compromise reform legislation provides some needed support to low performing schools. Struggling schools will be identified for extra help so that school improvement funds can be targeted where they are most needed. Students would have the option of attending other schools, including public charter schools. The legislation authorizes \$500 million in direct grants to local school districts to help improve low-performing schools most in need of assistance. It sets a 12-year goal for States and schools to close the achievement gaps between rich and poor, and minority and non-minority students. The bill also ensures that parents will have better information about their local schools through annual report cards and strong parent involvement.

The Reading First provisions of the legislation authorize an important new initiative that provides nearly \$1 billion for States and local school districts to improve reading education, and help teachers get ready to ensure that all children become proficient readers. I am pleased that an amendment I offered, to permit funds under this program to be used for family literacy programs, was retained. The conference report also retained two additional amendments that I offered to ensure that teachers are trained to effectively use technology in the classroom to improve teaching and learning.

Though not all that I had hoped for, this bipartisan legislation contains reforms that seeks to provide all of our students with a much greater opportunity to learn and to succeed.

Mr. CAMPBELL. Madam President, today the Senate will vote to pass comprehensive education reform legislation in the form of the Elementary and Secondary Education Reauthorization Act of 2001.

This important legislation contains the Native American Education Improvement Act of 2001 which I was proud to have introduced in January 2000, along with Senator INOUE, to improve the education of Native American youth across the country.

I would first like to thank the Bush administration and the conferees for working with the Indian Affairs Committee to work on the Indian portion of this legislation to benefit the schools in Indian country and the education of Native children.

In 1965, Congress passed The Elementary and Secondary Education Act, ESEA, which is broad-sweeping legislation that provides funding for various educational programs in an effort to assist underprivileged students and school districts. While the original focus of ESEA was to be a supplemental source for needy public schools,

the ESEA now provides funds to and affects virtually every public school in the nation.

As a former teacher and one who knows all-too-well the problems faced by Indian youngsters, I strongly believe that education holds the key to individual accomplishment, the promotion of developed Native communities, and real self determination.

I believe that the Native American Education Improvement Act of 2001 is legislation that improves the conditions and operations of Bureau and tribally-operated schools.

This act represents more than 2 years' worth of committee hearings to develop a comprehensive set of reforms that address all areas of BIA and tribally-operated schools in issues that include accreditation, accountability, the recruitment of Indian teachers, and the construction of Indian schools.

I note that this legislation contains an innovative specification requiring accreditation. Twenty-four months after enactment of this act, Bureau funded schools must be accredited or in the process of obtaining accreditation by one of the following: an approved tribal accrediting body; or a regional accreditation agency; or in accordance with State accreditation standards.

The act also requires a report to be completed by the Secretary of Education and Secretary of Interior in consultation with tribes and Indian education organizations leading to the establishment of a "National Tribal Accrediting Agency."

Quality assurance mechanisms are included in this act regarding the failure of a school to achieve or maintain accreditation and any underlying staffing, curriculum, or other programmatic problems in the school that contributed to the lack of or loss of accreditation.

Indian kids around the country need a solid education that will give them the tools they need to excel in today's competitive world. With the passage of this act the Senate declares that it will no longer tolerate schools that fail, year after year, with no consequences to the schools but plenty of consequences for the children.

Mr. MCCAIN. Mr. President, one of the most important issues facing our Nation continues to be the education of our children. Providing a solid, quality education for each and every child is critical not only to the prosperity of our Nation in the years ahead, but also to ensuring that all our children reach their full potential.

Whether we work in the private sector or in government, we all have an obligation to develop and implement initiatives that strengthen the quality of education we offer our children. It is essential that we provide our children with the essential academic tools they need to succeed professionally, economically and personally.

Unfortunately, we can no longer take for granted that our children are learning to master even the most basic skill

of reading. A recent survey reported that less than one-third of fourth-graders in America are "proficient readers." In fact, 40 million Americans cannot fill out a job application or read a menu in a restaurant much less a computer menu. In this high-tech information age, these Americans will be lost and that is unacceptable.

In addition, American children lack basic knowledge of their Nation's cultural and historical traditions. For example, a recent report indicated that half of American high school seniors did not know when Lincoln was President; did not know the significance of "Brown v. Board of Education"; and had no understanding of the aims of American foreign policy, either before or after World War II.

Since the tragic events of September 11, the American people, especially our young citizens, have demonstrated through their courage and generosity that they are prepared to meet the challenges that face our Nation. But we must help them in their quest for knowledge and instruction.

We must work to ensure that our students do not continue down the path of cultural illiteracy and educational under-performance. But how? Well, one major step in the right direction is to take away power from education bureaucrats and return it to those on the front lines of education—the local schools, the local teachers and the local parents.

Fortunately, the education authorization bill before the Senate today is a step in that direction. This bill provides support and guidance to our State and local communities to strengthen our schools, while also giving much needed flexibility for every State related to the use of Federal education dollars. This education bill contains many initiatives that will help ensure that more Federal education dollars reach our classrooms rather than being lost in bureaucratic black hole.

This bill also strives to improve the quality of our Nation's teaching force by allocating \$3 billion for recruiting and training good teachers. We must ensure that our teachers are continually improving their skills and retain their desire to teach. We also need to ensure that we recruit the brightest and enthusiastic students into the teaching profession.

This measure helps make schools more accommodating and friendly for parents. In addition, it works to ensure that parents are better informed about the public education system by providing pertinent information regarding their child's school. Annual report cards pertaining to each school's specific performance, along with statewide performance results, will be available for public view.

One of the most important factors in our children's success in school is parental involvement. Parents are our first teachers. Our first classroom is the home, where we learn the value of

hard work, respect, and the difference between right and wrong. As I have said before, the home is the most important Department of Education.

Parental involvement is the best guarantee that a child will succeed in school. I am genuinely excited when I think of the many reforms taking place across the country—namely school vouchers and charter schools—that are wisely built on this premise: Let parents decide where their children's educational needs will best be met.

In the broadest sense, this is what school choice is all about.

School choice stimulates improvement and creates expanded opportunities for our children to get a quality education. Our public school system has many good schools, but there are many schools that are broken. Instead of serving as a gateway to advancement, these schools have become dead-end places of despair and low achievement. In urban settings, the subject performance of 17-year-old African-American and Hispanic students is at the same level as 13-year-old-white students. This is an unacceptable and embarrassing failure on the part of our public schools.

Exciting things are happening in Milwaukee and Cleveland, where school voucher programs have been put in place. There, minority school children are being given a chance to succeed. The early signs are good: test scores and performance are up.

We need more such experiments, and I am gravely disappointed that this authorization bill failed to contain such a provision. Repeatedly, I have proposed legislation for a 3-year Nationwide test of the voucher program. It would be funded not by draining money away from the public schools but by eliminating Federal pork barrel spending and corporate tax loopholes.

This is an important component that sadly was left out of this measure. I will continue working with my colleagues on both sides of the aisle to provide parents and our students with choices to ensure that our children, no matter what their family's income, have access to the best possible education for their unique academic needs.

Finally, I am very disappointed that the conferees eliminated an important provision adopted during the Senate debate that would have ensured that the federal government finally fulfill its obligation to fund 40 percent of the cost for meeting the special educational needs of our nation's children through the Individuals with Disabilities Act.

My dear friend and colleague, Senator HAGEL, fought valiantly for this provision but unfortunately it was watered down. This is unacceptable. Congress needs to follow the laws it makes and provide full funding for the Federal portion of IDEA. We ask our schools to educate children with disabilities, but we don't give them enough money for the expensive evaluations, equipment and services needed to do that. There

are 6 million children that receive special education funding, so let's fully support their academic needs.

James Madison once wrote that without an educated electorate, the American experiment would become "a farce or a tragedy, or perhaps both." Let us stop the slide in the performance of our students. Let us return the control of education to our local communities. Let us renew our trust in our parents and teachers and do what is best for our children.

This is why I am supporting this measure today. While it could be strengthened, the bill does make needed strides to improve our Nation's schools.

Mr. ENZI. Mr. President, I rise today to put my full support behind the conference report for H.R. 1, the No Child Left Behind Act.

It has been a true honor to serve on the conference committee for this important legislation, especially as a freshman Member of the Senate.

I would first thank the leaders of the conference for their hard work and determination to complete this legislation for the President's signature this year. Senators KENNEDY and GREGG worked every day with great determination on this legislation without partisan rancor, and Chairman BOEHNER and Representative MILLER showed the same determination and steadfastness.

I am pleased that Congress has finally completed action on one of President Bush's top domestic priorities this year. President Bush and Secretary Paige deserve commendation for their commitment not only to this legislation, but also to the education of our Nation's children. Never before has a President shown such commitment to the issue of education.

In March I addressed this body for the first time as a U.S. Senator on the topic of education. Little did I know the opportunity I would be given to be a member of the conference committee to reauthorize of the Elementary and Secondary Education Act.

At that time I stated the following:

Our public schools are failing our children. And unless we address this problem now—today—we will bear the consequences for a generation or more. Let's not forget: today's students are tomorrow's leaders—in business, technology, engineering, government and every other field. If even the brightest of our young people can't compete in the classroom with their colleagues abroad in math and science, how will they be able to compete with them as adults in the world of business? How can we expect them to develop into the innovators America needs to maintain—and, yes, expand—her dominant role in the global marketplace? We need to make sure every single student in America graduates with the basic skills in communications, math, and information technology that are necessary to excel in the New Economy. As a nation, we simply cannot afford to accept the status quo.

With the passage of this legislation I believe that our schools will improve. And if they fail, there will be consequences. This legislation states loud

and clear that the status quo is not acceptable. Students will have the opportunities to be tomorrow's leaders by having access to technology and other advanced programs that are needed for continued excellence. Our disadvantaged children will be given the assistance they need, and deserve, to succeed in the global marketplace of the future.

In that same speech I mentioned that my home State of Nevada faces many obstacles in obtaining title I funds for our eligible children. Title I dollars are the largest source of assistance that states receive from the Federal Government.

The No Child Left Behind Act will be particularly beneficial to title I eligible students in my home State of Nevada by recognizing that families move around and children are often unaccounted for when Federal funds are dispensed from the Federal Government to States. The State of Nevada has been particularly hard hit in the past when the most recent and accurate "kid counts" were not available.

It is our responsibility to ensure that title I dollars are properly and fairly sent to each State. My population update provision, that is an important part of this legislation, will ensure that this happens every year. As a member of the conference committee, I worked hard to ensure that this provision I offered as an amendment during the Senate's consideration of this legislation was included in the final bill. This amendment requires the Department of Commerce and the Department of Education to produce annually updated data on the number of title I eligible children in each state so that title I dollars can be accurately allocated to the States.

The annual population update provision in this legislation states:

The Secretary shall use annually updated data, for purposes of carrying out section 1124, on the number of children, aged 5 to 17, inclusive, from families below the poverty level for counties or local educational agencies published by the Department of Commerce. . . .

To further clarify this language, the following statement is included in the conference report that accompanies this legislation:

The Conferees strongly urge the Department of Education and the Department of Commerce to work collaboratively to produce annually updated data on the number of poor children as soon as possible, but not later than March 2003. The conferees believe it is imperative that the departments use annually updated data, as produced by the Department of Commerce, as provided for in the Conference agreement. The Conferees recognize that additional resources will likely be necessary to produce annually updated data and therefore expect the Departments of Commerce and Education to submit budget requests that reflect the efforts that will be necessary to carry out this new responsibility.

It is imperative that the Secretary recognizes the vital importance of this provision to children not only in Nevada, but also in every other State in

the Nation. After all, these funds represent the largest source of Federal funds to states and local school districts, and it is only fair that the funds are properly and fairly distributed. I look forward to working with both the Secretary of Education and the Secretary of Commerce in implementing this provision.

This conference agreement that is before us today also provides States and local school districts with an unprecedented level of flexibility. States and local school districts will finally be able to spend Federal education dollars in a manner that will best suit their unique needs. The Federal Government has long been too prescriptive as to how Federal funds could be spent. School districts will now have the freedom to provide additional funds to the children that need the most help.

This flexibility will come with added responsibility, but it is a challenge that I believe all States and local school districts will be willing and, quite frankly, satisfied to accept. In giving these entities increased flexibility, we are requiring a higher level of accountability for student achievement. We do not want to create another layer of bureaucracy that tells schools precisely how to measure student achievement. We simply want to ensure that all students are performing at grade-level and that their school is doing what it is supposed to do: educate students. By annually testing students, parents, teachers, and the students themselves will finally know whether or not their school is doing its job.

If a school is failing to properly educate children, we do not want to immediately punish that school. We understand that change is difficult, and some years are going to be worse than others. However, we do expect to see results. If a school is failing, the Federal Government will provide technical support to assist in improving student's test scores. However, the burden ultimately lies with each school to show improvement year to year. The Federal Government cannot simply stand by and watch some of our Nation's public schools fail to educate our children. Their futures are simply too important to waste.

Parents, teachers, and administrators will also benefit from the passage of this landmark legislation. Parents will be provided with annual report cards on the performance of the school their child attends. If the school is failing, parents will be given a choice of where to send their child to school, including charter schools. If a school is chronically or persistently failing, a parent will be given federal funds for supplemental services for their child. This includes private tutoring services by any entity of the parent's choice.

Teachers and administrators will be given more opportunities for extensive professional development. States and local school districts will be able to use the funds provided by this section of

the bill in any number of ways that they believe will most benefit their teachers. Professional development should be held in higher esteem than it has in the past. For the first time, teachers will be able to enjoy comprehensive professional development opportunities that will truly enrich their knowledge and further improve their teaching skills.

Teachers will also be given legal protections from frivolous lawsuits—a provision I have championed with several of my colleagues from the very beginning. A teacher can no longer be sued for something that he or she may do in the normal course of his or her daily duties. It is time that students and parents realize the real day-to-day responsibilities that teachers have and respect them to use their best judgment to properly remedy classroom mishaps.

Above all else, the real winners in this legislation are the students themselves. We are finally providing the most needy students with the support they need to get an appropriate education. We are providing their teachers with the tools they need to teach these students. We are providing their administrators with the training they need to be the most effective leaders they can be for these students. We are providing them with access to technology, arts and music, and many other important educational opportunities to ensure that they leave our public education system as well-rounded students prepared for the challenges of the global economy.

I am pleased with the final product that this conference committee has produced. I can truly say that the education system in this country is receiving a much-deserved and much-needed facelift because of this legislation. Nevadans should also applaud this legislation. Federal dollars will finally flow into the State at the rate they should and will finally be utilized in ways that will most benefit the greatest number of needy students.

The education of our children is one of the most important issues that will come before Congress. I believe that Congress has accepted this responsibility wholeheartedly with the passage of this legislation. This legislation ensures that current and future generations receive the education they deserve to succeed in this great country.

I urge my colleagues to support this conference report.

Mr. CORZINE. Mr. President, I am pleased to support the conference report on the reauthorization of the Elementary and Secondary Education Act, ESEA, which expands and improves the Federal Government's commitment to education.

In my view, there is no more important issue before the Congress than education. As our economy becomes increasingly global and based on high technology, its future is increasingly dependent on the quality of our workforce. The better our educational sys-

tem is, the stronger our economy and our Nation will be. That's why, as a nation, we should make education our top priority.

Some have suggested that local school boards should be left alone to solve these problems on their own. But I disagree. In general, I do support local control of education. But local control doesn't mean much if you don't have adequate resources within your control. And it's not enough to leave the problem to States, which can pit urban areas against suburban communities, a fight with no winners.

No, if we are serious about education, we need to make it a national priority. And we need to ensure that our National Government plays an active and aggressive role.

I am pleased that the conference report on the reauthorization of the Elementary and Secondary Education Act, the Better Education for Students and Teachers Act, takes a significant step toward increasing our Federal commitment to education. I want to commend Chairman KENNEDY and Ranking Member GREGG for their tireless work in developing this legislation.

This legislation requires States to set high standards for every student and strengthens Federal incentives to boost low-performing schools and significantly improve education achievement. It has strong accountability measures that I hope will help narrow the educational achievement gaps that threaten every child's access to the American dream. And, it better targets funding to schools serving the neediest students, to make sure that they have the resources to hire and train well-qualified teachers, pay for additional instruction, and increase access to after-school and school safety programs.

In particular, I want to note that the final conference report contains a provision I authored to promote financial literacy. Unfortunately, when it comes to personal finances, young Americans unfortunately do not have the skills they need. Too few understand the details of managing a checking account, using a credit card, saving for retirement, or paying their taxes. It's a serious problem and it's time for our education system to address it more effectively.

We need to teach all our children the skills they need, including the fundamental principles involved with earning, spending, saving and investing, so they can manage their own money and succeed in our society.

I am not alone in advocating the importance of financial literacy. Federal Reserve Chairman Alan Greenspan recently said that: "Improving basic financial education at the elementary and secondary school levels is essential to providing a foundation for financial literacy that can help prevent younger people from making poor financial decisions."

The amendment I authored, along with Senators ENZI, AKAKA and HAR-

KIN, will include financial education as an allowable use in the local innovative education grant program, which funds innovative educational improvement programs. Elementary and secondary schools will be able to apply for Federal funds for activities to promote financial education, such as disseminating and encouraging the best practices for teaching the basic principles of personal financial literacy, including the basic principles involved with earning, spending, saving and investing. As a result, schools will have access to resources to allow them to include financial education as part of the basic educational curriculum. I am grateful to the conferees for including this important provision in the final conference report.

I do have some reservations about this legislation, however. In particular, I am concerned that the testing provisions may impose significant burdens on schools without providing them with adequate resources to help them implement the requirements. In addition, I have serious questions about subjecting young children to a battery of tests every year. We do not have sufficient information to know whether constant testing is the best way to monitor our children's educational progress, and indeed, the pressure of such tests may detract from their educational experiences. I hope that Congress will closely monitor the implementation of these and other provisions to ensure that they do not undermine the worthwhile reform efforts in this legislation.

Of course, reauthorization of ESEA is not the only critical education issue we will face in this Congress. Next year, we will be reauthorizing the Individuals with Disabilities Education Act, or IDEA, which has meant so much to children with disabilities in New Jersey and across the country. Unfortunately, however, we have drastically underfunded this program, which has imposed a tremendous burden on local communities in New Jersey and across the Nation.

In my home State of New Jersey, school budgets are capped by law at 3 percent annual growth. Therefore, districts often have to cut other programs to accommodate mandated and rising special-education costs. Or, local property taxpayers, who already are overburdened, have to pay increased taxes to cover expenses that the Federal Government should be sharing.

I have received many letters, phone calls, and emails from concerned constituents urging Congress to fulfill the promise of full funding for the services mandated under IDEA.

One woman, for example, wrote: "My son is currently enrolled in our district's preschool disabled program. He is autistic and requires a full day program with intensive, 1:1 teaching. He is one of four children in the class, all with similar needs. Not only does this program require extra staffing, it also requires very specialized training."

Thanks to the incredible teachers and support staff, Kevin is making wonderful progress. This, of course, would not be possible without the funding provided by the school district."

This woman then went on to note that in her town, special education costs have increased by 14 percent, 26 percent, and 11 percent over the last 3 years, while revenues have only increased by 3 percent annually. The result has been that the school district has had to use funds intended for regular education in order to cover the special education costs.

Another parent, whose son has Down syndrome said, "It makes me very concerned when administrators are phrasing things in a way that makes it sound like special ed is denying the other kids. It's not special education that's denying them. It's the funding mechanism that's doing it."

Like many of my colleagues, I had hoped that we would fulfill our commitment to the States, fully funding the Federal share of 40 percent of the average cost per pupil that we envisioned when IDEA first passed the Congress. Unfortunately, the conference committee rejected full funding of IDEA. I was very disappointed that we missed this opportunity to ease the burden on local communities, but remain committed to working to increase the Federal share of IDEA spending in next year's reauthorization.

With this education reform bill we are taking significant strides to enhance our educational system and provide every child with the opportunity they deserve to achieve their full potential. I am pleased to support the conference report.

Mr. BURNS. Mr. President, today I join my Senate colleagues in support of the conference agreement to the Elementary and Secondary Education Act, ESEA. I want to thank Senators GREGG and KENNEDY for all of the long hours I know they put into this legislation, and all of the conferees for that matter.

Now, do I agree with all of the provisions in this bill? No. Does this bill contain everything? No. But I do think it is heading in the right direction, and I do look forward to working with members on many provisions contained within this bill and those not within this bill. This legislation is certainly not perfect, and I bet that much of what it contains will be revisited.

There is nothing more important than making sure our kids have the educational tools they need to get ahead in today's competitive world. That means making sure our schools are top notch, making sure students have access to technology and up-to-date learning materials, and our teachers are equipped with the skills and tools they need to be their best.

I believe that for the most part, the conferees have done a good job coming up with a plan that will enable our children to compete in tomorrow's

economy. Companies moving to a new State place a high priority on a quality education system and access to trained workers. Montana's schools are among the best in the Nation. However, there is more that needs to be done and areas where additional improvements need to be made, such as in science and math. In order to ensure a quality education and future for young Montanans, we must focus on critical areas.

I am pleased to see that conferees recognize that schools in rural areas and small America often require additional assistance in implementing high technology programs and other advanced curriculum. So many schools in small rural towns are isolated and technology can offer rural students opportunities that they otherwise would not have. Ensuring that students in rural areas are as technologically literate as students in more urban areas is vital. I believe the conferees have shown their commitment to improve achievement in rural areas and have made sure that rural kids will have the tools they need to participate in the complex economy of the 21st century.

Montana has done a lot in the area of distance learning. There is a capability, in many schools to give children a wider variety of classes, and this bill will only help to enhance that. We must also focus on making sure our children have a good learning environment. All the funding, technology and books in the world won't help our children if they do not have a good environment in which to learn.

We must ensure that Montana parents and teachers retain control over education decisions, that Federal funds are targeted toward Montana's needs, and that Federal rules don't interfere with our ability to teach our children. States must be able to free themselves from Federal red tape and have the opportunity to use this flexibility to boost student achievement. Whenever possible, decisions about the education of our children should be made at the local level. Montana parents and educators know best what works for Montana kids, and I am glad to see that this conference agreement allows for that.

At the same time, we cannot ignore the fact that the Federal Government makes important investments in our children, such as educating students who live on Federal land. I am pleased to see that this conference report also goes a long way to support Impact Aid and fulfill the Federal Government's continuing responsibility to the education of children living on military bases, Indian reservations, or other Federal property. The conference committee has ensured these programs retain high quality and provide for not only the basic elementary and secondary educational needs, but culturally related academic needs as well.

I think this agreement, while not perfect, does lay some groundwork and provides an important partnership between Federal, State, and local efforts

to educate children and includes riding some Federal mandates that burden local educators. Rules that make sense in New York are often restrictive and expensive in Havre, MT. I'm glad to see that our local schools will have the flexibility they need to better educate our children.

I must say that I have some concerns over the assessment requirements contained in this bill and the funding of these assessments. In a State like Montana, where money is often hard to come by, we have a difficult time funding the few tests currently required. The Federal Government must obligate funds toward these new testing requirements. States cannot be left with an unfunded mandate.

Congress has correctly asked schools to teach our disabled children. Unfortunately, only 10 percent of the funding for such activities has come from the Federal Government. That means local school districts, always forced to squeeze shrinking tax dollars, are often times asked to pay thousands of dollars to comply with inflexible Federal rules that many times disregard small rural school districts. It is imperative that we fulfill our promise to fully fund IDEA. While we still have a long way to go, I do believe we have made great strides, and we are heading in the right direction, toward full funding. Full funding of IDEA has always been extremely important to me, and I will continue my work with educators and school boards to make sure that we fund a larger percentage of the costs of this program. I have great confidence that the Senate will also continue working to this end.

States and locals must have the funds to develop high-quality professional development programs, address teacher shortages, and provide incentives to retain quality teachers. Some of the most important provisions in this legislation concern teachers. Teachers are our greatest educational resources and have such a great impact on a child's life. I am glad to see that this legislation goes a long way to ensure technology and training opportunities for our teachers.

As Congress continues to consider various education programs, I will be actively involved to make sure Montana's needs are addressed. I will fight against a "one-size-fits-all" approach that in my opinion, tends to do more harm to a quality education than good, and will fight to ensure that significant investment is provided to all children and their teachers.

Mrs. LINCOLN. Mr. President, I come to the floor today to express my support for the education reform package that is now before the Senate. After debating this issue for almost three years, I am pleased we have reached a bi-partisan agreement on a package that puts our children's future ahead of the partisan bickering that has diverted our energy and attention for too

long. In my opinion, the proposal before the Senate represents an important step in the right direction by recognizing the right of every child to receive a high quality education.

Before I describe why I think this proposal is important for our nation's future and my home State of Arkansas, I want to look back for a moment on how we arrived at where we are today.

I doubt many of my colleagues remember what we did or debated in the Senate on May 9, 2000. I remember that date very well because that's the day I joined 9 of my Senate New Democratic colleagues in offering a bold ESEA education reform plan known as the Three R's bill.

Prior to introducing our amendment, we had spend months drafting our bill and were very proud of the finished product. That day we arranged to come to the floor as a group to talk about why we felt our innovative approach combined the best ideas of both parties in a way that would allow both Democrats and Republicans to move beyond the partisan stalemate that had stalled progress for so long.

Needless to say, we were disappointed when our amendment attracted only 13 votes. Normally, I might hesitate to remind my colleagues and constituents of a vote like that. But I felt as strongly then as I do today, that the proposal we crafted provided an opportunity to improve our system of public education by refocusing our attention on academic progress instead of on bureaucracy and process.

Fundamentally, we believe that by combining the concepts of increased funding, targeting, local autonomy and meaningful accountability, States and local school districts will have the tools they need to raise academic achievement and deliver on the promise of equal opportunity for every child.

So as I have listened to many of the comments delivered on the floor today, I can not help but reflect back on May 9 of last year when I joined Senator LIEBERMAN, Senator BAYH and other Senate New Democrats on the Senate floor to unveil these fundamental principles. I am gratified that many of the priorities we spoke of that day have been incorporated into the final agreement we will hopefully adopt later today.

That having been said, I know many of my colleagues played a critical role in fashioning this very important legislation. I especially want to express my appreciation to Senator KENNEDY and Senator GREGG for their tireless efforts on behalf of our nation's school children. As someone who has followed the progress of this bill very closely, I think each Member of this body owes the managers of this bill a debt of gratitude for bringing Senators with very different points of view together to find common ground on this critical issue. I applaud their leadership and I congratulate their success.

As I noted previously, I support this bipartisan compromise because it con-

tains many of the elements that I think are essential to foster academic success. It provides school districts with the resources they need to meet higher standards. It expands access in Arkansas to funding for teacher quality, English language instruction, and after-school programs by distributing resources through a reliable formula based on need, not on the ability of school districts to fill out a federal grant application. And finally, and most importantly, in exchange for more flexibility and resources, it holds states and school districts accountable for the academic performance of all children.

I do want to highlight one component of this legislation that I had a direct role in shaping. During consideration of the Senate reform bill in May, I successfully offered an amendment with Senator KENNEDY and others calling on Congress to substantially increase funding to enable language minority students to master English and achieve high levels of learning in all subjects. More importantly for my State of Arkansas, under the approach I promoted, funding will now be distributed to States and local districts through a reliable formula based on the number of students who need help with their English proficiency.

Currently, even though Arkansas has experienced a dramatic increase in the number of limited English proficient (LEP) students during the last decade, my State does very poorly in accessing Federal funding to meet the needs of these students because the bulk of the funding is distributed through a maze of competitive grants.

I am pleased the conferees accepted the funding level and the reforms I advocated. This new approach represents a dramatic improvement over the current system and will greatly benefit schools and students in my state.

Ultimately, I believe all of the reforms that are contained in this bill will make an important difference in the future of our children and our nation. So I join my colleagues on both sides of the aisle to urge the adoption of this truly landmark legislation.

Unfortunately, I fell compelled to mention one aspect of this legislation that dampens my excitement for its passage. Even though I believe the bill on balance represents a major improvement over the current federal framework, I am very disappointed that we are once again denying the promise we made to our constituents in 1975 to pay 40 percent of the costs of serving students under IDEA.

In my opinion, our failure to live up to this promise undermines to some extent the very reforms we seek to advance. While Congress and the Administration continue to ignore the commitment we made 26 years ago, school districts are forced to direct more and more state and local revenues away from classroom instruction to pay the Federal share of the bill. I will continue to work in the Senate to reverse

this record of inaction which is profoundly unfair to school districts, teachers, and the students they serve.

I want to close, by thanking all of my colleagues who spent many weeks and months negotiating this agreement. Even though progress has been slow at times, the way Democrats and Republicans have worked together on this bill is a model I hope we can repeat often in the future. I already mentioned Senators KENNEDY and GREGG without whom this bill would not be possible. I also want to say a special word of thanks to Senators LIEBERMAN and BAYH who demonstrated real leadership by talking about many of the reforms we are about to ratify before those ideas were very popular. They deserve a lot of credit for the final agreement they helped draft and I was honored to join them in crafting the original Three R's proposals that is clearly reflected in the bill before us.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I also thank Senator KENNEDY for getting a good target formula in this bill.

I yield 10 minutes to the Senator from Maine whose fingerprints are all over this bill—especially in the area of Rural-Flex and Ed-Flex, which she basically designed, and the reading programs. She has put a significant amount of time and effort into this bill, and it paid off royally.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, let me begin by saluting the outstanding leadership of Senator KENNEDY and Senator GREGG. It is due to their tireless efforts, their commitment to a quality education, and their persistence and hard work that we can celebrate today the passage of landmark education reform legislation. It has been a great pleasure to work with them, with Secretary of Education Paige, and with the President to reach this day.

During the past year, it has been a pleasure to work with my colleagues from both sides of the aisle as well as with the President and the Secretary of Education on this landmark education legislation.

In approaching the reauthorization of the ESEA, I had three goals. One was to provide greater flexibility and more funding to our small or rural school districts. The second was to strengthen and put greater emphasis on early reading programs so that we could in fact achieve the goal of leaving no child behind. The third was fulfilling the Federal commitment to funding its share of special education costs.

I am very pleased that we will realize the first two objectives through the Rural Education Achievement Program as well as the Reading First Program included in this bill. Although I am disappointed by the failure of the IDEA mandatory funding amendments, I know the Senate support for IDEA full funding will carry over into next year. And it will remain one of my highest priorities.

The No Child Left Behind Act includes many innovative and promising reforms. Among the improvements is the Rural Education Achievement Program which I authored. The program would benefit school districts with fewer than 600 students in rural communities. More than 35 percent of all school districts in the United States have 600 or fewer students. In Maine, the percentage is even higher: 56 percent of our 284 school districts have fewer than 600 students.

Rural school districts encounter two specific problems with the current system of Federal funding.

The first is that formula grants often do not reach small, rural schools in amounts sufficient to achieve the goals of the programs. These grants are based on school district enrollment, and, therefore, smaller districts often do not receive enough funding from any single grant to carry out a meaningful activity. One Maine district, for example, received a whopping \$28 to fund a district-wide Safe and Drug-free School program. This amount is certainly not sufficient to achieve the goal of that Federal program, yet the school district could not use the funds for any other program.

Second, rural schools are often shut out of the competitive grant process because they lack the administrative staff and the grant writers that large school districts have to apply for competitive grants from the Federal Government. So they do not get to participate in those programs at all. To eliminate this inequity and give rural schools more flexibility to meet local needs, our legislation will allow rural districts to combine the funds from four categorical grant programs and use them to address that school district's highest priorities.

In one school district, that might mean hiring a reading specialist or math teacher. In another, the priority might be upgrading the science lab or increasing professional development or buying a new computer for the library. Whatever the need of that district, the money could be combined for that purpose.

Let me give you a specific example of what these two initiatives would mean for one Maine school district in northern Maine. The Frenchville and St. Agatha school system, which serves 346 students, receives four separate formula grants ranging from \$1,705 for Safe and Drug Free Schools to \$10,045 under the Class Size Reduction Act. How do you fight drug use with \$1,700? And how do you reduce class sizes with \$10,000? The grants are so small they are not really useful in accomplishing the goals of the program. The total for all four programs is just over \$16,000. Yet each requires separate reporting and compliance standards, and each is used for different—federally mandated—purposes.

Superintendent Jerry White told me that he needs to submit eight separate reports, for four programs, to receive

the \$16,000. Under our bill, his school district would be freed from the multiple applications and reports; paperwork and bureaucracy would be reduced, and the school would be able to make better use of its Federal funding.

The other problem facing small rural districts is their lack of administrative capacity. In some cases, the superintendent acts as the sole administrator. With such minimal administrative resources, the school district has no opportunity to apply for competitive grants. Here in Washington, we are surrounded by large urban school districts, each with more than 100,000 students and often having a central administrative office with specialized staff and professional grant writers. How can rural districts with a single administrator be expected to compete for the same grant opportunities?

To compensate for the inequity, our legislation provides supplemental funding. In the case of the Frenchville district, schools would receive an additional \$34,000. Combined with the \$16,000 already provided, the Rural Education Achievement Program would make sure the District had \$50,000 and the flexibility to use these funds for its most pressing needs. That \$50,000 can make a real difference in the education of school children in northern Maine. The district could hire a math teacher or a reading specialist, whatever it needed. The district could purchase technology, upgrade professional development efforts, or engage in any other local reforms.

With this tremendous flexibility and additional funding come responsibility and accountability. In return for the advantages our bill provides, participating districts would be held accountable for demonstrating improved student performance over a 3-year period.

The focus of the No Child Left Behind Act is accountability, and rural schools are no exception. Schools will be held responsible for what is really important—improved student achievement—rather than for time-consuming paperwork. As Superintendent White told me, “Give me the resources I need plus the flexibility to use them, and I am happy to be held accountable for improved student performance. It will happen.” I know most superintendents feel exactly the same way.

I am equally delighted that today's education bill will include significant new resources for early reading intervention programs. Unfortunately, today, in many schools, there are few services available to help a child who has a reading difficulty. Oftentimes, no help is provided at all until that child reaches the third grade and is identified for special education.

For students who have reached the third grade without the ability to read, every paragraph, every assignment, every day in the classroom is a struggle. They constantly battle embarrassment and feelings of inadequacy, and they fall further and further behind. It is no wonder so many children without

basic reading skills lose their natural curiosity and excitement for learning.

The two new reading programs—Reading First and Early Reading First—in this legislation are based on the principle that if we act swiftly and teach reading effectively in the early grades, we will provide our children with a solid foundation for future academic success. Indeed, the best way to ensure that no child is left behind is to teach every child to read.

If a child's reading difficulty is detected early, and he or she receives help in kindergarten or the first grade, that child has a 90 to 95 percent chance of becoming a good reader. These early intervention programs work. They are a wonderful investment.

By contrast, if intervention does not occur during the period between kindergarten and third grade, the “window of literacy” closes and the chances of that child ever becoming a good reader plummet. Moreover, if a child with reading disabilities becomes part of the special education system, the chances of his or her leaving special education are less than 5 percent. So this is a program that is going to improve the quality of life for these children, help them to become successful, and, in many cases, will avoid the need for special education and all the costs involved in providing that kind of education. These are truly investments that make sense.

Other than involved parents, a good teacher with proper literacy training is the single most important prerequisite to a student's reading success. We also know that reading is the gateway to learning other subjects and to future academic achievement. That is why it is so important that this bill make such a national commitment to reading programs.

Reading First is a comprehensive approach to promoting literacy in reading in all 50 States. It will support the efforts in States, such as Maine, that have already made great strides under the Reading Excellence Act in promoting literacy. Indeed, I am very proud of the work the State of Maine has done. Our fourth graders lead the Nation year after year in reading and other subjects.

President Bush deserves enormous credit for placing reading at the top of our education agenda. The First Lady, Laura Bush, has also repeatedly highlighted the importance of reading. President Bush also deserves credit for being willing to work with us, the Members on both sides of the aisle, to hammer out the best possible education reform legislation.

Again, I thank the President for all of his efforts, and Senator GREGG and Senator KENNEDY, because without their combined leadership we would not be here today. Thanks to their hard work, we have quality legislation before us today that will reform the public education system and bring our nation closer to the goal of providing every child with an opportunity to succeed.

With the improvements in rural education, and the emphasis in this bill on reading, flexibility, and accountability, as well as a host of other reforms, I am delighted to support this reauthorization of ESEA and to see our hard work and efforts over the past year come to fruition.

I am convinced this legislation is going to make a real difference for the children of our country.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, it is a pleasure to yield 3 minutes to our friend and colleague, the only Member of this body who has been both a teacher and a school board member and has led the country, really, understanding that smaller class sizes give the best opportunity for children to learn. She has been an invaluable member of our Education Committee and our Human Services Committee.

I yield 3 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank my colleague from Massachusetts. I thank Senator KENNEDY, and all of his staff, for the hundreds and hundreds and hundreds of hours they have put into making this bill a success.

I do rise today to express my support for the ESEA conference report and to highlight some of my concerns with the bill.

Since 1965, the Elementary and Secondary Education Act has helped students in our schools have more equal access and be more effective than ever before. It is important we renew our Federal education policies in order to keep up with the growing challenges that face our schools.

While I do not agree with everything in the bill, I do believe Congress must move forward with education reform to provide the support that our students need today.

Throughout this process, five principles have guided my consideration.

First, I believe we have to invest in what we know works.

Second, we have to protect disadvantaged students and make sure they get the extra help they need.

Third, we have to make sure taxpayer dollars stay in public schools.

Fourth, we have to help our students meet national education goals.

And finally, we have to set high standards and provide the resources so all students can meet them.

On balance, I believe this bill meets all of my principles.

This is a bipartisan win for our students. I am proud that as we moved forward we left behind some of the most troubling proposals: from vouchers to Straight A's. This bill requires high standards for all children and provides flexible Federal support that focuses on the things that we know work, including smaller classes, high-quality teachers, afterschool programs, tech-

nology and technology training for our teachers, support for students with limited-English proficiency, a strong Safe and Drug Free Schools Program, guarantees of a quality education for homeless students, and more resources for disadvantaged students.

While I support the bill overall, I do continue to have significant concerns about some of the mandates in the bill. I believe Congress must now closely monitor how this bill impacts students.

My top concern, of course, is the funding in the bill. While we have made progress in securing an additional \$4 billion, I fear the funding level will be short of what our communities will need to carry out the mandates in the bill.

In part to ease this burden, I believe we must fully fund special education next year. Almost every member of our conference committee expressed a commitment to fulfilling the promise of full funding when IDEA is reauthorized. Keeping that commitment is critical to the success of education reform.

I remain concerned, as well, about how the new tests will be used and about the Federal Government setting the formula to measure student progress. We now have a responsibility to make sure these mandates do not end up holding children back. If this bill leads to more crowded classrooms, fewer high-quality teachers, or a focus on testing instead of learning, then we will have to revisit these mandates.

But, on balance, this bill takes important steps forward to improve our public schools. While I am not pleased with every provision, I do not want the Federal Government to miss this opportunity to help students throughout the country make progress.

So, again, I thank Senator KENNEDY and his staff and my staff, including Bethany Little, for the tremendous amount of work they have done to get us to this point.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I now yield 5 minutes to the Senator from Arkansas, who has been a key player on this bill in a variety of different areas. He worked very hard on the flexibility issues, the bilingual issues, the merit pay issues, and teacher tenure. All sorts of different parts of this bill have been impacted by his influence. He has been great to work with.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I am so pleased today to be able to rise in support of this legislation. I think it is an exciting day and a memorable day for America that we adopt this legislation.

As a member of the Health and Education Committee and a member of the conference committee on this bill, I have worked long and hard with my colleagues to ensure that the reauthorization of the Elementary and Secondary Act comes to fruition.

I especially want to thank President Bush. When he came to Washington, he

came with a vision to reform education. This is a big step toward the fulfillment of that vision.

President Bush shows a true compassion for helping disadvantaged students gain the tools to succeed, a compassion he gained in his work as Governor. It is that vision and compassion that have gotten us to this point of final passage. President Bush is to be commended for his efforts and his vision.

I thank Senator KENNEDY for his leadership on the committee, and for his chairmanship, his perseverance, and his willingness to reach compromise and agreement on a number of issues.

It has been a great pleasure for me to be able to work with Senator GREGG, as he has, through all the twists and turns in the long road of this past year, continued to fight for accountability and expanded options for parents. I admire his commitment to this legislation, and I am proud to have worked with him and to serve under his leadership on the HELP Committee.

Starting in the early months of 1999, the Senate Health and Education Committee began holding hearings on ESEA. The Senate attempted to pass an ESEA reauthorization bill during the 106th Congress, but was not successful. Almost three years later, final passage is before us.

The impetus that has gotten to this point after a long and arduous process is our President. President Bush has made education his number one domestic priority, and has injected new ideas and a deep sense of passion into this debate. Without his leadership, we would not be here today.

This bill reflects the themes that were laid out by the President last year: accountability, parental options, flexibility, and funding what works.

This legislation will finally inject new accountability into the title I program. For too long, we have provided billions of dollars in funding without seeing any results. In the past, we have let our poorest children down—no longer will we let this happen.

Our Nation has a right to expect all of our children to learn, and this legislation will help local school districts identify their weaknesses and address them.

Schools, for the first time, will be held to a high standard. It is time that we stop making excuses and expect results from our schools. There will be stumbling blocks along the way, and this bill is not perfect, but the education of our children is too vital to delay education reform.

There are a number of components that I am particularly pleased to see included in the bill. The provision regarding supplemental services, for which Senator GREGG has worked so diligently, is one of them.

Under this legislation, in approximately 3,000 schools across the country, parents will have an immediate option to get help for their children through tutoring at their local Sylvan Center or afterschool program.

Because of this legislation, over 200 schools in Arkansas will now provide public school choice immediately to parents to allow them to send their children to a higher performing public school. I am very pleased with the provision called transferability that will allow every school district in the country to shift up to 50 percent of Federal funds between formula grant programs, with the exception of title I. This will allow school districts to address priorities from year to year as they see fit.

I am also very pleased with the rural education initiative, proposed and championed by Senator COLLINS, that will allow over 100 school districts in Arkansas to receive additional funding and flexibility over their formula funds.

As Senator GREGG mentioned, I am particularly glad to have been involved in the bilingual reforms that will now ensure fairness in the distribution of dollars by turning the bilingual program into a formula grant program. It will benefit States such as Arkansas that never did well in the competitive grant competitions. For the first time, States must now set objectives for students to learn English, a component that was amazingly absent from the previous bilingual program.

I am glad to have been able to offer an amendment that allowed professional development funds for our teachers to now be used to reward the best teachers. That is a very commonsense and important reform in allowing those teacher development funds to be used in programs to reward those teachers who have the best record of performance.

This legislation is a giant step in education reform and represents a bipartisan agreement between Republicans, Democrats, the House, the Senate, and the administration. I am pleased to have worked on the bill and look forward to President Bush signing it into law. I thank him for his vision and leadership. Education reform was a fleeting thought a year ago. Thanks to George W. Bush, it is now a reality.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield 4 minutes to my friend and colleague from Massachusetts, Senator KERRY. Senator KERRY understands that leadership in local schools makes an extraordinary difference. We have seen constant examples of that. He has had a focus and attention particularly on having good principals in the schools. He has introduced a number of pieces of legislation. We have drawn on them heavily. He is one who is deeply concerned and involved in the education issue.

The PRESIDING OFFICER (Mr. NELSON of Florida.) The Senator from Massachusetts.

Mr. KERRY. Mr. President, I begin by thanking my colleague and congratulating him on his extraordinary leadership in this effort. I thank Senator GREGG also for his cooperation

and leadership. Senator KENNEDY, as we all know, has been fighting for and pushing for education reform for a long time. He has been our leading voice in the Senate on the subject of education. His tenacity in pursuing this in moments that even appeared to be bleak—and I thank his staff also for that—have helped to bring us to this moment.

It gives me great pleasure to come to the Senate floor today to talk about, and to lend my support to, the conference report for H.R. 1, the No Child Left Behind Act. This is groundbreaking legislation that enhances the Federal Government's commitment to our Nation's public education system, dramatically reconfigures the federal role in public education, and embraces many of the principles and programs that I believe are critical to improving the public education system.

This bill represents a true coming together of Republicans and Democrats, and both sides made important compromises in order to arrive at this point. I have come to the floor many times over the past few years to express my belief that we were past due to break the partisan gridlock over education reform, and to come together around the programs, policies, and initiatives that members of both parties could agree are critical to improving public education. For years we spun our wheels as we tried to reform the public education system, Republicans calling for a diminished Federal role, Democrats calling for more programs and greater funding levels. I was of the opinion that there was significant room for consensus on public education reform, and last year I worked with 10 of my Democratic colleagues to introduce legislation that would help break the stalemate and move beyond the tired, partisan debates of the past. Our education proposal became the foundation of the bill before us today. I am extraordinarily pleased that Republicans and Democrats came together to adopt a fresh, new approach to improving public education, one that focuses on increasing student achievement and that provides increased resources and flexibility in exchange for increased accountability.

The No Child Left Behind Act provides public schools with more funding and flexibility in return for demanding accountability for results. I am convinced that a strong accountability system is the linchpin of this reform. For the first time, the Federal Government will put into place an accountability system that will hold States, schools, and districts accountable for steadily improving the learning of their children and closing the achievement gap between rich and poor and between minorities and non-minorities. The accountability provisions in this bill sharply redefine the definition of adequate yearly progress to ensure that schools and districts are making demonstrable gains in closing the

achievement gap. This legislation requires States, districts, and schools to set annual goals for raising student achievement so that all students achieve proficiency in 12 years. The bill applies performance standards and consequences not only to the title I program but to all major programs. And in addition to requiring tough corrective actions for chronically failing schools, it gives students in failing schools the right to either transfer to a better public school or obtain supplemental services.

This bill puts in place a new accountability system, which is a vital first step to improving student achievement. But implementing and enforcing the accountability system are equally as important as creating one. The Federal Government must follow through on its commitment to hold schools accountable for student achievement or the legislation that we are passing today will do little to change the status quo. I urge the administration to vigorously implement and enforce the provisions of this new law.

Another key component of this bill is the expansion of public school choice and charter schools. I strongly support increasing the educational options available to parents within the public school framework, and in fact, expanding public school choice has been one of my education reform priorities. I believe that choice and competition within the public school system are vital ingredients to increasing accountability and improving our schools. I am pleased that the No Child Left Behind Act strengthens the Federal charter school program and authorizes the inter-and intra-district choice initiative. The legislation also requires states and local districts to issue detailed report cards with data on school performance so that parents can be better informed about the quality of their child's schools and can make educated decisions about which school their child should attend.

This bill does an excellent job of targeting federal education funds to public schools with large numbers of poor children. The title I program was originally designed to compensate for spending gaps left by state and local education funding in order to help level the playing field for children in low-income school districts. However, despite the goal of sending funds to those very low-income schools, over the years, money has been directed to communities with extremely low poverty rates and in some instances does not reach the country's poorest schools at all. This legislation funnels new title I funding through the targeted grant formula, which will ensure that the neediest communities receive additional funding.

I am extremely pleased that the conference report includes my amendments to improve school leadership and increase alternative education opportunities, which were part of the education reform bill that Senator GORDON

SMITH and I introduced during the 106th Congress. Focusing on school leadership is critical to ensuring that the ambitious reforms contained in this legislation are successfully implemented in the schools. Many of today's principals are reaching the age at which they could choose to retire, and evidence has pointed to a decline in the number of candidates for each opening. If we don't stem the flow of retirees and buoy up the numbers of aspiring principals, we will face a crucial school leadership crisis—one that could debilitate meaningful education reform. A good principal can create a climate that fosters excellence in teaching and learning, while an ineffective one can quickly thwart the progress of the most dedicated reformers. I can tell you unequivocally that I have never been in a blue-ribbon school that doesn't have a blue-ribbon principal. And I'm sure that my colleagues have noticed this, too when they have visited schools in their respective States. Without a good leader as principal, it is difficult to instigate or sustain any meaningful change and schools cannot be transformed, restructured, or reconstituted without leadership.

Our amendment addressed this critical problem in school leadership by giving States greater flexibility in the use of their title II dollars so that funding can be used to retain high-quality principals and to improve principal quality. By expanding the list of authorized uses of funds, this amendment will allow States and school districts to use Federal dollars to ensure that principals have the instructional skills to help teachers teach, implement alternative routes for principal certification, or mentor new principals, and to provide principals with high-quality professional development.

The conference agreement also includes our amendment on alternative education opportunities. The presence of chronically disruptive students in schools interferes with the learning opportunities for other students. One way to ensure safe schools and manageable classrooms has been to require the removal of disruptive and dangerous students. While expulsion and suspensions may make schools safer and more manageable, students' problems do not go away when they are removed from the classroom—the problems just go somewhere else. The consensus among educators and others concerned with at-risk youth is that it is vital for expelled students to receive educational counseling or other services to help modify their behavior while they are away from school. Without such services, students generally return to school no better disciplined and no better able to manage their anger or peaceably resolve disputes. Our amendment enables States and school districts to develop, establish, or improve alternative educational opportunities for violent or drug abusing students under the Safe and Drug Free Schools program.

This bill is a compromise, and thus, everyone can point to things that they wish were done differently. I echo the comments made by my colleagues, in particular Senator JEFFORDS, who have decried the lost opportunity to include in this bill guaranteed full funding for the Individuals with Disabilities Education Act. This bill fails to deliver on the Federal Government's commitment to fully fund special education, and it does this just as it places substantial new requirements on schools. Perhaps most disconcerting, all of this comes at a time when state budgets are in deficit. According to the National Governors' Association, states are facing a \$35 billion shortfall due to the national recession, and states have already begun paring back their education budgets. The No Child Left Behind Act contains significant, meaningful reforms, but these reforms cannot succeed without sufficient resources. We expect about a 20 percent increase in education funding this year, which is a tremendous step forward. But we need to continue to make resources a priority—we need to fully fund IDEA—we must not thrust new requirements on schools without providing them with sufficient resources to implement reforms.

I also have concerns about the mandatory testing provisions contained in the bill. This legislation requires the testing of all students in math and reading in grades 3–8. I am not opposed to testing, in fact, I think that tests are important so that we know year to year how well students are achieving. It is critically important to be able to identify where gaps exist so that efforts can be focused on closing them. When used correctly, good tests provide information that helps teachers understand the academic strengths and weaknesses of students and tailor instruction to respond to the needs of students with targeted teaching and appropriate materials. My concern is that once we know where the gaps exist, once we know how a child needs to be helped, we will not provide the resources necessary to ensure that all students are able to reach proficiency. It is my sincere hope that Congress and the States will continue to recognize that reform and resources go hand-in-hand. Resources without accountability is a waste of money, and accountability without resources is a waste of time. The two together are key to successful reform.

I would like to congratulate the conferees for their tremendous work on this legislation. I am excited and encouraged by the reforms in this bill. I believe that they will have a tremendous impact on raising student achievement by increasing accountability, improving teacher and principal quality, expanding flexibility, and increasing public school choice. This groundbreaking legislation has enormous potential. I hope that the Congress will live up to its commitment to provide states and schools

with the resources they need to make these reforms work.

We are now about to adopt a fresh new approach to improving public education in a way that focuses on improving student achievement and providing increased resources simultaneously. Though I will add to the voice of my colleagues in the Senate, the resources are not what they need to be to guarantee success.

Last year, I joined with 10 of my Democratic colleagues to introduce legislation that we hoped would break the stalemate, that would change the dialog. I would like to believe that thanks to the efforts of the Senator from Indiana and the Senator from Connecticut and others, we have contributed in a way that has helped to shift that dialog.

We are now providing a strong accountability system which is the linchpin of reform, together with a reconfiguration of the role that the Federal Government plays in providing some resources and flexibility over the use of funds to the States in exchange for that strong accountability system. For the first time, the Federal Government is putting into place accountability that will hold States, schools, and districts accountable for steadily improving the learning of their children and closing the achievement gap between the rich and the poor, between minorities and nonminorities.

I am also pleased that the law includes a mechanism to target additional funding to schools with high concentrations of low-income students. Historically, title I has always been our focus of directing Federal funds to schools with large proportions of poor students, but Congress has not always met that goal. It is our hope that this increased targeting, for which I again congratulate Senator KENNEDY, is going to be an important part of our achieving that.

Another key component is the expansion of school choice in public schools together with the charter schools. I strongly support increasing educational options available to parents within the public school system framework. In fact, expanding public school choice has been one of my top education priorities. I am pleased that the No Child Left Behind Act strengthens that Federal charter program and authorizes the inter- and intradistrict school choice initiative.

I am also pleased that it includes several amendments that I have proposed, one specifically to improve principals, to improve the strength of leadership. We can have all the rules we want and all the framework we want, but if you don't have adequate leadership in the schools, it is often hard to achieve. We have a method in here to help to increase that.

We also include an amendment that I have introduced to enable States and school districts to help to develop, establish, and improve alternative educational opportunities for violent or

drug offending students under the Safe and Drug Free Schools Program. That is one way to guarantee that we will ensure safe classrooms, safe schools, manageable classrooms by removing disruptive students and dangerous students and making sure that those who are expelled receive educational counseling or other services to help modify their behavior.

This bill, as all legislation, is a compromise. Not everything meets everybody's eye. I do believe we have to push on to achieve the opportunity of guaranteeing full funding for individuals with disabilities education, and we have to guarantee the resources for this act.

I congratulate Senator KENNEDY and all those who have been part of this effort to bring this bill to the floor.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, at this time I yield 8 minutes to the Senator from Alabama who, as a member of the committee, played a significant role. This is such a complex bill. It required a lot of different people thinking about different parts of it. It has so many moving parts, it really is not the handiwork of one individual. It truly was the handiwork of a large number of Senators participating from both sides of the aisle. The Senator from Alabama played a major role in a variety of areas, especially in the discipline area and the safe and drug free schools. I very much appreciate the work he did.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, It is a pleasure to see this bill come up now for what I believe will be its approval. We have worked hard on it. I know it was a thrill to see the bill come out of committee with a unanimous vote under the leadership of Senator KENNEDY and ranking member, Senator GREGG. I thought that showed good bipartisan support. It languished a bit in conference with the House, and we struggled a bit. The President had to raise the level of heat a bit, but things have moved forward. It is exciting to see this bill move toward law.

The President campaigned on education as one of his top themes. He talked about it constantly. He visited schools regularly. His wife was a teacher. He has honored that commitment by continuing to press a major education bill this year which will represent one of the largest increases in funding for education in recent years. It also represents a significant policy change that will allow more freedom for the school systems, that will put more money in local schools, that will help children who are being left behind and move them forward.

I believe we should recognize and salute the leadership of the Secretary of Education, Rod Paige. He came here from Houston. He was chosen to be the superintendent of the Houston school system, comprised around 200,000 stu-

dents. He believed that a 37-percent passing rate of the Texas test in Houston was unacceptable. In 5 years, with determination, sound policies and great leadership, he doubled the percentage of schoolchildren passing that test.

I say that because there are some people who do not believe that progress is possible. I have seen school systems in every State in America. There are systems where teachers, parents, and leaders have come together to achieve significant increases in productivity and change. Certainly money is not the complete answer; it is also policy change, determination, and leadership. We have too many schools where children are locked into a failing system, and they have been falling behind. Nobody even knows or cares that they are falling behind. They can't go to any other school. They are required by law to attend this dysfunctional school. And that is just not good.

The President understands this deeply. As Governor of Texas, he made education one of his highest priorities, and he has made it his number one domestic priority as President. He has helped us move forward to what I think is really historic legislation. It is an honor to be a part of it.

Testing and accountability have been a matter of some debate. I do not believe tests are accurate reflections of a child's complete ability to learn and what they absolutely know. But it is true that you can determine through a test whether a child can do fundamental mathematics, whether a child knows fundamental science, and whether a child can read or not. It is a tragedy in America that we have been moving children through the school system, even to graduation, who can't read and write and they are making the lowest possible scores on tests. We have just accepted that. That is not a good way to do it.

The President has said he is not going to leave any child behind, and we will make sure we achieve that goal. We are going to find out if children are falling behind. We will have a testing program in grades 3 through 8 in math and reading that will not be Federal Government-mandated tests, but state tests, and we will begin to learn. The newspaper editors, the business community, the teachers, the principals, the parents, and the students will know how the kids are doing in that school system. Some schools do better than others. We need to find out which ones are doing best and identify those that are not doing well. I think that is important. As Secretary Paige says, if you love the children and you care about them and you want them to learn so they can be successful throughout their lives, you will not allow them to fall behind.

What we need to do is intervene early in the lives of children when they are falling behind—as soon as possible. Then we can make some progress. This bill says there can be supplemental

services in a system that is not working and where kids are falling behind. They can get maybe \$500 or \$1,000 for outside tutoring for a child who is not keeping up because as you get further behind, a lot of bad things happen. Dr. Paige says that a child in the seventh, eighth, and ninth grades, if they are really behind, that is when they drop out. Normally, it is around the ninth grade. They can't keep up, they are behind and discouraged, and they drop out.

We need to find out in the third grade, the fourth grade, and fifth grade how they are doing and make sure we then intervene, when the cost is not so great. We can increase their ability to be a functional and good student and help them go on to success. It is a lot like business management, frankly. It is just good supervision and having a system that does not allow the status quo to drift, but one where we care enough to make the tough decisions, apply tough love, to insist that children behave in the classroom, they do their homework, and teachers do their work. If teachers are not performing, they need to be held to account, and we need to create accountability in the system. If we do so, I believe we can make real progress.

As a part of the compromise that went on in the legislation, some good language was put in to ensure that all this testing we require is paid for by the Federal Government, so it is not an unfunded mandate. We also have in the bill testing rules that guarantee States will not have their curriculum set by Washington. It will guarantee that the tests don't mandate a single type of learning in America. I think that process worked well as we went forward.

The flexibility goal has been achieved in a number of ways. It is not as great as I would like to see it. I have visited, in the last 15 to 18 months, 20 schools in Alabama and spent a lot of time talking with teachers, principals, superintendents, school board members. They felt very strongly. These are people who have given their lives to children. They have chosen to teach and to be involved in education. They have told me consistently that the Federal Government has too many rules and regulations that make their lives more difficult and actually complicate their ability to teach in a classroom. There is money, but it is only available for what the Federal Government says, not for what they know they need at a given time in their communities.

I think we need to continue to improve in the area of flexibility. We have made some real progress in that, and I am happy we have made progress in this bill. But it could have been greater. I think our teachers and principals will like what they see. It is a step in the right direction.

Alabama has established an exceedingly fine reading program that is being replicated by many States. Senator KENNEDY's excellent school system in Massachusetts is always on the

cutting edge of things. They have appropriated \$10 million to just study this program and implement some of it in their system.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SESSIONS. Mr. President, I salute the leadership on this legislation. I note that the IDEA program amendments that were passed in the House and the Senate were not included in this, which was a disappointment to me. But we will have an opportunity next year to reform that, during the reauthorization of IDEA.

I believe education is one of the most important issues that faces our Nation today. We need to do all we can to free States and localities from Federal regulation, assure accountability by setting high standards, and empower parents with choices and information.

As Governor of Texas, President Bush recognized the importance of education and made it the centerpiece of his campaign for President. When he took office, he delivered on his promise by releasing a comprehensive plan for reform during the first days he was in office.

I believe that President Bush's leadership has been essential to the Congress producing the historic reform legislation that was passed by the conference committee on December 11. Since the tragedy on September 11 the Congress and the President have understandably been focused on the war on terrorism.

I believe it is a credit to the leadership of President Bush that he was able to continue to make education reform a priority. He never lost sight of protecting our greatest resource, and children. His leadership never wavered and I believe we could not have reached the bipartisan compromise in the education conference without his influence.

Secretary of Education Rod Paige was also essential to our efforts at reform. Secretary Paige's real-life experiences as Superintendent of the Houston school system were invaluable in helping us to formulate legislation that will truly foster reform for all our children.

I would also like to recognize the leadership of Senators GREGG and KENNEDY here in the Senate and Congressmen BOEHNER and MILLER in the House. Even when our country was threatened and they could have abandoned this effort, they stayed focused and were able to hammer out their differences and come up with a good piece of legislation.

While the legislation does not contain all the provisions that I would have liked to have seen in the bill, it does take some important steps toward improving the educational opportunities for all our children.

The conference report includes testing in grades 3 through 8 in math and reading, which is the cornerstone of the President's plan. I am glad that we have recognized the need to measure

the progress of our students. We must determine if our schools are actually teaching our children the skills they need to succeed. The only way to measure our students knowledge is through testing.

While some have raised concerns about reliance on testing, I believe this legislation strikes an important balance to ensure that we bring accountability to the system without overburdening our State and local school systems.

The bill significantly changes accountability standards with the goal of assuring that low income students are learning at a level that is equal to their peers. The States are charged with developing the tests based on their own curriculum. This is not a one-size-fits-all approach.

The bill specifically prohibits federally sponsored national testing or Federal control over curriculum and sets up a series of controls to ensure that any national evaluating test such as NAEP must be fair and objective and does not test or evaluate a child's views, opinions, or beliefs.

In addition, the bill includes a trigger mechanism so that State-based testing requirements are paid for by the Federal Government thus avoiding an unfunded mandate.

In Alabama, we have already recognized the importance of testing, we already test our students in virtually every year of school. I believe this legislation will assist Alabama in these efforts and the new funds will help to improve the current system.

The legislation also includes a number of major new initiatives which give parents options when their children are trapped in failing schools.

For the first time, parents whose child is trapped in a failing school will be able to take a portion of the monies available under title I for their child—approximately \$500 to \$1,000—and use it to get the child outside tutorial support. These services can come from public institutions, private providers, or faith-based educators.

For children who have fallen behind because of lack of good services at their school, groups such as Boys and Girls Clubs, Catholic schools, Sylvan Learning Centers, and a variety of other agencies would be able to give these children the support they need to catch up in the areas of math and English.

Another new opportunity provided for parents under this legislation involves public school choice. A parent whose child is trapped in a failing school will have the opportunity to send their child to another public school which is not failing and have the transportation costs paid for.

This bill does not allow parents to access private schools, but it does provide parents the option to move their child to a better public school where they can get an adequate education.

We believe this option will put pressure on those public schools within a

major school system that are failing and will give these children a viable chance to succeed.

I believe one of our most important goals is to give States and local communities more flexibility. After all, they are best suited to make decisions regarding their own children. While the legislation does not provide the flexibility that many of us would have liked to have seen, it does make major improvements in freeing State and local education agencies from burdensome Federal regulations.

Currently, Federal rules mandate that funds only be used for a designated purpose. Under this legislation, all 50 States will be permitted to make significant spending decisions of up to 50 percent of their non-title I funds by being allowed to move those funds from account to account without Federal approval.

This means that States and local communities can spend these funds where they feel they will get the most benefit for the dollars.

Seven States will also be permitted to consolidate 100 percent of their State activity, administrative funds, and innovative block grant funds and use them for any activity authorized under H.R. 1. This frees up hundreds of millions of dollars for these States to use at their discretion. This will dramatically expand a State's flexibility of they decided to participate in the program.

Up to 150 school districts—at least three per State—could also apply to participate in even broader flexibility. They will be able to apply for waivers from virtually all Federal education rules and requirements associated with a variety of ESEA programs in exchange for agreeing to further improve academic achievement for their low-income students.

The concept is simple, the Federal Government will give them even greater flexibility in exchange for significant results.

The State of Alabama has instituted a major reading initiative that has begun to make a difference in the lives of students in our state. In fact, the Alabama Reading Initiative is becoming a model for reading programs in other States.

Massachusetts has appropriated \$10 million to begin a program based on Alabama's efforts and Florida is beginning a pilot program in 12 school districts patterned after the Alabama Initiative.

President Bush also recognizes the importance of reading, he has described reading as "the new civil right." Early on, he stated his goal that every child should be able to read by the third grade. One of the cornerstones of President Bush's education plan was his Reading First and Early Reading First initiatives.

These initiatives are meant to encourage States and local schools to implement scientifically based reading programs and to augment programs

such as the Alabama Reading Initiative.

The Reading First Initiative would help to establish reading programs for children in kindergarten through grade 3. Under this legislation, Federal funding for reading programs will be tripled from \$300 million in 2001 to \$900 million for 2002. President Bush has demonstrated his commitment to this program by budgeting \$5 billion over 5 years for the effort.

The companion program, Early Reading First, is intended to enhance reading readiness for children in high poverty areas and where there are high numbers of students who are not reading at the appropriate level. The \$75 million initiative is designed to provide the critical early identification and early reading interventions necessary to prevent reading failure among our children.

This legislation also takes important steps to improve teacher quality in our schools. In order to provide increased flexibility, the agreement eliminates the class-size reduction program and now gives school districts the option to choose whether they want to use federal teacher dollars to recruit or retain teachers, reduce class-size or to provide additional training to teachers already in the classroom.

States would also be able to spend Federal teacher dollars on merit pay, tenure reform, teacher testing and alternative certification.

The point is to allow flexibility for school districts to address the needs most important to the local community, instead of simply dictating what should be done from Washington.

The legislation also includes the teacher liability language that passed the Senate.

These provisions help to ensure that teachers, principals, and other school professionals can undertake reasonable actions to maintain order and discipline in the classroom, without the fear of being dragged into court or subject to frivolous lawsuits simply for doing their jobs.

One issue that I am disappointed that we did not address in this legislation are the problems with the discipline provisions in Individuals with Disabilities Education Act, IDEA.

While both the House and the Senate passed provisions to address this problem, unfortunately, many of my colleagues on the conference committee opposed both versions and neither was included in the final conference report.

Having traveled all over Alabama and visiting a number of schools over the past few years, I am firmly convinced that the Federal IDEA discipline regulations cause more distress for dedicated teachers than any other single Federal rule or mandate.

Some of my colleagues on the conference committee feel very strongly about this issue and strongly opposed my amendment. But I want to make my proposal clear.

My amendment was carefully tailored to allow schools to discipline

IDEA students in the same manner as non-IDEA students, when the behavior that led to the disciplinary action is not related to the child's disability. No child could be denied educational services for behavior that is related to their disability.

My amendment also retains many of the procedural safeguards in current law to ensure that IDEA children are treated fairly, but it allows state and local educators more flexibility in their discipline policies.

My amendment also would provide a better option for parents of children with disabilities to move their child to a better educational environment. While this option is available under current law, my language would streamline this process. The parents of the child and the school would still have to agree on this decision.

I believe this is a reasonable proposal that would allow more students with disabilities, with the agreement of the school, to seek special education programs that better meet their needs.

During my meetings at schools, I encouraged teachers to write to me to share their experiences with IDEA. I received a large stack of mail.

The frustration and compassion in the letters is powerful. Real stories from educators and students are the best evidence of the need for change.

Two things are clear to me. First, current Federal IDEA discipline rules cause disruption in the classroom and even threaten the safety of students and teachers.

Second, the Federal Government needs to increase IDEA funding and meet its commitment to providing 40 percent of the national average per pupil expenditure.

President Bush's budget included a \$1 billion increase for IDEA for next year, the largest increase ever proposed by a President in his budget. He is committed to increasing this funding in future years.

This new funding will be an important step in assisting schools to meet the goals established under IDEA.

The IDEA law is filled with complex issues and problems besides discipline. One area that Secretary Paige seeks to address is the possible over-identification and disproportionate placement of minority students in special education.

Secretary Paige has spoken to me about this problem and I stand ready to work with him to address it. For example, we need to look at how to distribute Federal special education funds without creating inappropriate incentives regarding referral, placement or services to children.

We shouldn't be creating an incentive for schools to place children in special education programs that can be helped under our existing system.

The IDEA law provides many wonderful and special benefits for children with disabilities, but we can make it better. It is important that we return common sense and compassion to this problem.

I am committed to working to improve the law when it comes up for reauthorization next year. If we work together by providing more money for IDEA and give more authority to our local school officials, we can take a big step toward improving learning.

While I continue to believe that education is and must remain the primary function of State and local government, I believe this legislation will help to improve our public education system.

This legislation is far from perfect and I am sure we will have to make adjustments in future years.

But I believe that with President Bush's leadership this legislation presents the best opportunity in 35 years to return power and dollars to the state and local school districts and to make academic achievement a priority.

THE PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield 2 minutes to the Senator from Arkansas. First, I remind the Senate that during the debate on this issue her amendment to increase the funding for bilingual education passed 62 to 34, and we kept her first year mark in this bill. That will mean that 400,000 more limited-English-speaking children will be able to learn. It is a major achievement and accomplishment. She has educated the Senate about the change in demographics and what is happening in her part of the world. We welcome the opportunity to yield her 2 minutes.

THE PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I come to the floor today to express my support for the education reform package that is now before the Senate. After debating this issue for almost 3 years, I am pleased we have reached a bipartisan agreement on a package that puts our children's future ahead of the partisan bickering that has diverted our energy and attention for too long. This proposal before the Senate represents an important step in the right direction by recognizing the right of every child to receive a high quality education.

I know many of my colleagues played a critical role in fashioning this very important legislation. I especially want to express my appreciation to Senator KENNEDY and Senator GREGG for their tireless efforts on behalf of our nation's school children. As someone who has followed the progress of this bill very closely, I think each Member of this body owes the managers of this bill a debt of gratitude for bringing Senators with very different points of view together to find common ground on this critical issue. I applaud their leadership and I congratulate your success.

I also want to say a special word of thanks to Senators LIEBERMAN and BAYH who demonstrated real leadership by talking about many of the reforms we are about to ratify before those ideas were very popular. They deserve

a lot of credit for the final agreement they helped draft and I was honored to join them in crafting the original Three R's proposals that is clearly reflected in the bill before us.

As I noted previously, I support this bipartisan compromise because it contains many of the elements that I think are essential to foster academic success. It provides school districts with the resources they need to meet higher standards. It expands access in Arkansas to funding for teacher quality, English language instruction, and after-school programs by distributing resources through a reliable formula based on need, not on the ability of school districts to fill out a federal grant application. And finally, and most importantly, in exchange for more flexibility and resources, it holds States and school districts accountable for the academic performance of all children.

I do want to highlight one component of this legislation that I had a direct role in shaping. During consideration of the Senate reform bill in May, I successfully offered an amendment with Senator KENNEDY and others calling on Congress to substantially increase funding to enable language minority students to master English and achieve high levels of learning in all subjects. More importantly for my State of Arkansas, under the approach I promoted, funding will now be distributed to States and local districts through a reliable formula based on the number of students who need help with their English proficiency.

Currently, even though Arkansas has experienced a dramatic increase in the number of limited English proficient (LEP) students during the last decade, my state does very poorly in accessing federal funding to meet the needs of these students because the bulk of the funding is distributed through a maze of competitive grants.

I am pleased the conferees accepted the funding level and the reforms I advocated. This new approach represents a dramatic improvement over the current system and will greatly benefit schools and students in my State.

Ultimately, I believe all of the reforms that are contained in this bill will make an important difference in the future of our children and our nation. So I join my colleagues on both sides of the aisle to urge the adoption of this truly landmark legislation.

Unfortunately, I feel compelled to mention one aspect of this legislation that dampens my excitement for its passage. Even though I believe the bill on balance represents a major improvement over the current federal framework, I am very disappointed that we are once again denying the promise we made to our constituents in 1975 to pay 40 percent of the costs of serving students under IDEA.

In my opinion, our failure to live up to this promise undermines to some extent the very reforms we seek to advance. I will continue to work in the

Senate to reverse this record of inaction which is profoundly unfair to school districts, teachers, and the students they serve.

I want to close, by thanking all of my colleagues who spent many weeks and months negotiating this agreement. Even though progress has been slow at times, the way Democrats and Republicans have worked together on this bill is a model I hope we can repeat often in the future.

Mr. President, again, I thank the Senator from Massachusetts for his leadership and assistance to me in being able to achieve something on behalf of the people of Arkansas. Once again, I express my support for the education reform package now before the Senate. We have debated this issue for almost 3 years, and we are so pleased we have reached a bipartisan agreement on the package that puts our children's future ahead of the partisan bickering that has diverted our energy and attention for way too long.

The proposal before the Senate represents an important step in the right direction by recognizing the right of every child in this great Nation to receive a high-quality education.

I know many of my colleagues played a critical role in fashioning this very important legislation, but there are two individuals who have been absolutely incredible in this debate and in this negotiation. I especially express my appreciation to Senator KENNEDY and to Senator GREGG for their tireless efforts on behalf of our Nation's schoolchildren.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I yield 7 minutes to the Senator from Tennessee who has played a very considerable role in this legislation, especially in the flexibility accounts, but he had input throughout the legislation and has done an exceptional job in making this a better bill.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise to congratulate Senator GREGG and Senator KENNEDY for their leadership in pulling together a complex bill. This bill accomplishes the goals that many of us have been talking about over the last 2 years, the total length of time we have been working on this bill. Those goals included striving for more flexibility, accountability, and local control.

The events of September 11, 2001 dramatically changed our nation. As a result, the President is focused on combating forces unlike any other we have faced in our history. Nonetheless, the President has remained steadfastly committed to education reform and thanks to his efforts, today we send to him a bill that will transform the Federal Government's role in education.

Since 1965, Federal aid has been provided to school districts for the education of disadvantaged children through title I. Despite spending \$125

billion on Title I over the past 25 years, the most recent results of the National Assessment of Educational Progress, NAEP, tests for fourth-grade reading confirm that our current education system has not closed this achievement gap.

The NAEP results revealed that 37 percent of the nation's fourth graders scored below basic. That means 37 percent of our fourth graders cannot read.

I was disturbed to read in our Nashville newspaper, the Tennessean, last week that only 45.5 percent of third-graders in Nashville are reading at the national average, down almost three percentage points from 1998. Perhaps more disturbing is the fact that the Nashville metro area failed to reduce the performance gap between poor students and their better-off peers: it was reduced only .2 percent in the elementary and middle-school grades, and it increased by 1 percent for high-school students.

As President Bush has said, too many children in America are segregated by low expectations, illiteracy, and self-doubt. In a constantly changing world that is demanding increasingly complex skills from its workforce, children are literally being left behind.

The following programs and reforms contained in the "No Child Left Behind Act" will help our schools better prepare our children for the future:

For reading first, \$975 million in funds will be authorized for States to establish a comprehensive reading program anchored in scientific research. States will have the option to receive Early Reading First funds to implement research based pre-reading methods in pre-school. Tennessee's recently awarded \$27 million grant will continue, and Tennessee will no longer have to apply for such funding. Funding to the State will be guaranteed through this new formula grant program.

On rural education, \$300 million in authorized funding will be available to some of Tennessee's rural school districts to help them deal with the unique problems that confront them.

On unprecedented flexibility, all states and local school districts will be able to shift Federal dollars earmarked for one specific purpose to other uses that more effectively address their needs and priorities. And 150 school districts choosing to participate would receive a virtual waiver from Federal education requirements in exchange for agreeing to improve student achievement. I am particularly pleased that this latter initiative, known as Straight A's, was included in the final form of the bill.

On empowering parents, parents will be enabled to make informed choices about schools for their children by being given access to school-by-school report cards on student achievement for all groups of students. Students in persistently low-performing schools will be provided the option of attending alternative public schooling or receiving Federal funds for tutorial services.

That means that starting in September, students in more than 6,700 failing schools will have the authority to transfer to better public schools. Students in nearly 3,000 of those schools also would be eligible for extra academic help, such as tutoring and summer classes paid with Federal tax money. In Tennessee alone, 303 schools will be provided these services.

As to accountability for student performance, parents will know how well their child is learning, and schools will be held accountable for their effectiveness with annual state reading and math assessments in grades 3-8. States will be provided \$490 million in funding for the assessments. Tennessee will receive approximately \$53 million of these funds over the next 5 years.

With regard to improvements to the Technology and Bilingual Education programs, the Technology and Bilingual Education programs have been streamlined and made more flexible. Parents must be notified that their child is in need of English language instruction and about how such instruction will help their child. The bill also focuses on ensuring that schools use technology to improve student academic achievement by targeting resources to those schools that are in the greatest need of assistance.

On better targeting, Senator LANDRIEU offered an amendment to S. 1 earlier this year that required better targeting of funds to our poorest schools. I supported that effort and am proud to say that this bill targets funds better than ever before. Through consolidation of programs and improved targeting of resources, we enable schools to do so much more with the 7 percent of funds they receive from the Federal Government.

As to resources for teachers, over \$3 billion will be authorized for teachers to be used for professional development, salary increases, class size reduction and other teacher initiatives. Additionally, teachers acting in their official capacity will be shielded from Federal liability arising out of their efforts to maintain discipline in the classroom, so long as they do not engage in reckless or criminal misconduct. And another \$450 million will be authorized for Math and Science training for teachers, an initiative that is particularly important to me.

I want to take a few minutes to discuss the Math and Science Partnership program, because I am particularly concerned about the state of Science education in our country. The most recent NAEP science section results showed that the performance of fourth- and eighth-grade students remained about the same since 1996, but scores for high school seniors changed significantly: up six points for private school students and down four for public school students, for a net national decline of three points. A whopping 82 percent of twelfth-grade students are not proficient in Science and the achievement gaps among eighth-graders are appalling: Only 41 percent of white, 7 percent of African-American

and 12 percent of Hispanic students are proficient.

The disappointing overall results for seniors on the science section of the NAEP prompted Education Secretary Rod Paige to call the decline "morally significant." He warned, "If our graduates know less about science than their predecessors four years ago, then our hopes for a strong 21st century workforce are dimming just when we need them most." I couldn't agree with the Secretary more.

I urge the appropriators to take note of these statistics and fund the Math and Science Program at the level it needs to make a difference.

In this brief statement, I can only begin to list the number of reforms within this bill. The bill:

- enhances accountability and demands results;
- it has unprecedented state and local flexibility;
- it streamlines bureaucracy and reduces red tape;
- it expands choices for parents;
- it contains the President's Reading First initiative;
- it promotes teacher quality and smaller classrooms;
- it strives toward making schools safer;
- it promotes English fluency;

And that is just a brief summary.

I want to again congratulate our President, who provided great leadership by making education reform his top domestic priority. The result is that our elementary and secondary schools will be strengthened and local teachers, administrators and parents will be better able to make sure that no child is left behind.

For the first time, Federal dollars will be linked to specific performance goals to ensure improved results. That means schools will be held accountable. And, by measuring student performance with annual academic assessments, teachers and parents will have the ability to monitor each student's progress.

I want to thank Senators GREGG and KENNEDY for all they have done on this bill. Senator GREGG was forced into a new leadership role when he suddenly became Ranking Member of the HELP Committee in the middle of the 6 week debate of S. 1. Suddenly, he was charged with managing a 1,200 page education bill, which was the top domestic priority of the President. I know he and his staff, particularly Denzel McGuire, have dedicated innumerable hours to this piece of legislation and I commend them for their efforts.

I congratulate, on my staff, Andrea Becker, whose diligence, dedication, and hard work are reflected in this legislation. Senator GREGG and Senator KENNEDY were able to bridge some strong policy differences throughout and work together to make sure politics did not prevent passage of this landmark legislation. I thank them for their leadership and congratulate them on passage of this bill.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I thank the Senator from Tennessee for his kind comments, and especially for his assistance in making this bill a reality.

Could the Chair advise us as to the time remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 6 minutes remaining. The Senator from Massachusetts has 23½ minutes remaining.

Mr. GREGG. How much time is remaining for the Senator from Minnesota?

The PRESIDING OFFICER. Ten minutes for the Senator from Minnesota.

Mr. GREGG. I reserve our time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield 4 minutes to the Senator from Connecticut. The Senator from Connecticut has been a strong advocate in terms of accountability in schools and also investing in those children. So I welcome his comments.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair and I thank my friend from Massachusetts, who has played a pivotal role in bringing us to this extraordinary moment of accomplishment. I rise today to join my colleagues in voicing my enthusiastic support for this conference report to reauthorize the Elementary and Secondary Education Act and help reinvigorate America's public education system.

This democracy of ours is a magnificent process, beautiful in its freedom, although often untidy and cumbersome in its execution. We come to one of those wonderful moments when it has worked to provide a revolutionary change in the Federal Government's relationship to public education in our country. This agreement marks a truly unique coming together of parties, ideologies and people behind legislation that will help us deliver a high-quality public education to the children of this Nation and, in doing so, help us deliver on the promise of equal opportunity for every American.

With this bill, we are fundamentally changing the educational equation in our country. We are saying public education is no longer a local responsibility, but it is now truly a national priority. We are saying we are no longer going to tolerate failure for our children and from the adults who are supposed to be educating them. We are saying we believe, as a matter of faith, that every child in this country can learn at a high level. And we are doing what has been long overdue—refocusing our Federal policies and redoubling our national efforts to help realize those expectations of excellence and raise academic achievement for all of our children. refocusing our Federal policies and redoubling our national efforts to help realize those expectations of excellence and raise academic achievement for all of our children.

This new educational equation could be summed up in six words: Invest in reform; insist on results.

We are proposing to substantially increase Federal funding to better target those dollars to the community and students with the greatest needs, to give States and schools far more freedom in choosing how to spend those dollars and then, in exchange, to demand more accountability for producing results. No longer are we in Washington going to ask: How much are we spending and where is it going? Now we will ask: How much are our children learning and where are they going?

This new approach, and the reforms we have developed to implement it, reflect the best thinking of both parties in both branches of our Government and the hard work of a lot of Members, including particularly Senators KENNEDY and GREGG in this Chamber, and Representatives BOEHNER and MILLER from the House. I want to express my appreciation to them for their leadership, their vision, and their commitment to rethinking the way we aid and support public education and re-engineering our partnership with the States and local districts.

I am very proud to have had the opportunity to participate in this enormously constructive process as one of the negotiators of the Senate version of the bill and as a member of the conference committee. For that, I am grateful to Majority Leader DASCHLE and to Chairman KENNEDY, who solicited ideas and input from Senator BAYH and me and other New Democrats, even though we were not members of the HELP Committee, and broke with tradition to appoint us to the conference committee.

I am particularly proud of the role we New Democrats played in shaping the framework and ideas behind this reform plan, which incorporates many of the principles and programs of the comprehensive Three R's plan that Senator BAYH and I, and several of our colleagues in this Chamber sponsored last year. When we started out three years ago along this road, our goal was to bring some fresh thinking to Federal education policy and to help break the partisan impasse on this critical matter, to offer a proposal that could bridge the gaps between left and right and forge a new consensus for real school reform for America's children, and to truly reinvent the Federal role in education. With this bill, I think all of us, new and old Democrats—I take the liberty to say new and old Republicans—can fairly say “mission accomplished.”

We pushed not only for more funding, but to target more of those resources to the poorest districts and to restore the traditional Federal focus on disadvantaged children. This bill does just that. We pushed to streamline the Federal education bureaucracy, reduce the strings attached to funding, empower local educators and encourage innovation. This bill does just that.

We pushed to create strong standards of accountability, to impose real con-

sequences for chronic failure, and to demand measurable progress in closing the achievement gap between the haves and have-nots. Again, this bill does just that. Last but not least, we pushed to inject market forces deeper into our public school system, to promote greater choice and better information for parents, and to harness the positive pressure of competition to drive real change. This bill does just that.

However, our work is not done. This new vision will take time and money to succeed, and we must be vigilant in following through on the implementation of this legislation. Simply put, these reforms will not work if they are not matched with resources. The significant funding levels provided in the Senate and House appropriations bills of about \$22 billion, an increase of over \$4 billion, provide a substantial down payment in realizing the necessary investment. But we must do more. We cannot close the achievement gap on the cheap. We must make increased investment a priority for the life of this bill, not just this year. I think the critical factor is for all of us to continue to work together in a bipartisan way to make sure we adequately and aggressively fund the reforms that are part of this proposal.

In the meantime, I want to applaud President Bush for working with us in a cooperative, constructive manner to transform a promising blueprint for reform into what will soon be a landmark law. This was a model of bipartisanship and a reminder of what we can accomplish when we leave our partisan agendas at the door. I hope we will soon duplicate it.

Mr. President, I wish to expand on my earlier comments to provide more historical background on the development of this conference report and explain its legislative intent.

I am extremely pleased that the bill embodies many of the legislative intentions and key concepts that a number of my fellow New Democrats, particularly Senator EVAN BAYH, and I, proposed when we first introduced the Public Education Reinvestment, Reinvention, and Responsibility Act—otherwise known as the “Three R's” bill—in March 2000. I believe that we have achieved the same core goals in this conference report. The following analysis outlines the long, complex and ultimately fruitful evolution of the bill, and the concepts and themes underpinning its key provisions.

The need for improving the federal role in K-12 public is well established. Too many of our schools have for years been failing to give low-income and minority students the education and skills they need to thrive in our increasingly knowledge-based economy. In addition, our nation faces a large achievement gap between higher- and lower-income students, and between white students and most minority students.

Data from the National Assessment of Educational Progress for 2000 makes

this clear. According to the report, 60 percent of the nation's fourth graders in poverty were reading below the basic proficiency level, compared to 26 percent of more affluent fourth graders. And the gap between children of different races and ethnicities is just as significant as the income gap; 63 percent of African-American fourth grade children and 58 percent of Latino children were reading below the basic proficiency level, compared with 27 percent of white children.

The same problems persist at the top of the educational ladder. On average, of every 100 white kindergarten students, 93 will finish high school and 29 will earn at least a bachelor's degree. However, of every 100 African-American kindergarten students, only 86 will finish high school and only 15 will obtain at least a bachelor's degree. And of every 100 Latino kindergartners, just 61 will graduate from high school and 10 will obtain at least a bachelor's degree. The result is that almost half of all college graduates by age 24 come from higher income families and only 7 percent from low-income families.

These achievement gaps are unacceptable and unnecessary. Every day, more and more schools offering low-income students high standards and real support demonstrate that an underprivileged background does not consign a child to academic failure. In fact, students from low-income families can achieve at similar or higher levels than their more affluent peers. We were convinced that with the right approach, the federal government could help school districts and states spread these successes across the nation.

Any reform of the federal role in education must start with the understanding that Washington is most helpful when it empowers states and localities to do their job more effectively, not when it micro-manages the running of schools and districts. Though Congress helped fuel state and local improvements through its last reauthorization of ESEA in 1994 and through its support of charter schools and public school choice, those proved ultimately insufficient to the size of the challenge before the country. To support states and localities as they worked hard to adopt better standards, improve the quality of their teachers, and increase choice and competition in public education, the federal role had to change more profoundly.

It was this desire to spur a more accountable, competitive and innovative public education system, and ultimately raise academic achievement among children of all incomes and backgrounds, that led my colleagues and me to propose the Three R's bill.

In the winter of 1998, I began early discussions on the issue with my former colleague, Republican Senator Slade Gorton, sharing the belief that a broad, bipartisan education reform agenda could and should be developed. We convened a series of meetings with

key think tanks and policymakers—including the Progressive Policy Institute, the Education Trust, the Heritage Foundation, the Fordham Foundation and Empower America—and it soon became clear that we shared goals and approaches to reform that could serve as the basis for a legislative blueprint.

Many of the concepts discussed in these meetings were distilled in a white paper in April 1999 on performance-based funding prepared by Andrew Rotherham of the Progressive Policy Institute in 1999, *Toward Performance-Based Federal Education Funding: Reauthorization of the Elementary and Secondary Education Act*. Based on this framework, my staff and that of Senator BAYH began working regularly with like-minded moderate Democrats to draft a legislative proposal. Soon thereafter, the moderate Democrats formed the Senate New Democrat Coalition, with Senator BOB GRAHAM as the leader, and selected education reform as the coalition's first legislative priority, with Senator BAYH and myself spearheading the effort.

On March 21, 2000, I joined Senator BAYH and other Senate New Democrats, including Senators MARY LANDRIEU, BOB GRAHAM, JOHN BREAUX, BLANCHE LINCOLN, HERB KOHL, Richard Bryan, and Charles Robb, to introduce the Three R's Act, S. 2254, a sweeping piece of legislation designed to fundamentally reform federal education policy to a performance-based system focused on providing states and local school districts with greater resources and flexibility in return for greater accountability for increased student academic achievement. In May of 2000, Representative CAL DOOLEY, a leader of the New Democrats in the House of Representatives, introduced the Three R's companion bill, H.R. 4518, which was cosponsored by Representative ADAM SMITH.

To correct a system that had grown too rigid, bureaucratic, and unresponsive to the needs of parents, the Three R's Act called for providing states and localities with more federal funding and greater flexibility regarding how to spend those dollars. In return, educators would be held more accountable for academic results. We argued that as a nation, we should ultimately base success on students' real educational outcomes—including test results and other measures—rather than on the number of programs or the size of the federal allocation.

The Three R's Act called for streamlining the number of federal education programs and focusing federal dollars and attention on a few critical educational priorities, including serving disadvantaged students, raising teacher quality, increasing English proficiency, expanding public school choice, and stimulating innovation. Overall, it would have increased federal investment in public education by \$35 billion over the next five years, targeting most of those new dollars to the poorest school districts in the nation.

In April 2000, in conjunction with the introduction of our Three R's bill, the New Democrats held a forum on Capitol Hill to foster dialogue on the need for education reform. Participants included Bob Schwartz of ACHIEVE, former Secretary of Education William J. Bennett, Amy Wilkins of The Education Trust, University of Maryland Professor Dr. Bill Galston, and Joseph Olshefske, Superintendent of Seattle Public Schools. Although some participants offered constructive criticism on certain provisions in the Three R's bill, they largely cited the bill as the building block for a broad and bipartisan consensus.

In the Spring of 2000, Republican Senators GORTON and GREGG approached Senator BAYH and myself to discuss the possibility of producing just such a reform package, and together we reached agreement on a number of provisions later to appear in the Conference Report before us today, such as the concept known as "supplemental services." Despite our inability to reach a final compromise at that stage, these negotiations significantly furthered the framework for a comprehensive bipartisan bill.

During the May 2000 debate over S. 2, the Health, Education, Labor and Pensions Committee's Elementary and Secondary Education Act reauthorization bill, my fellow Senate New Democrats and I successfully pushed for the inclusion of provisions enhancing accountability for educational performance in the Democratic Caucus' alternative amendment, Amdt. 3111, to S. 2. In addition, our coalition successfully pushed for a separate debate on our Three R's proposal, which we offered as a substitute amendment, Amdt. 3127 to S. 2. That amendment was one of the few to be considered on the Senate floor before the ESEA bill was withdrawn. Though our amendment only garnered 13 votes, all Democratic, its defeat could not obscure the fact that the basis for bipartisan agreement was building.

Also in June of that year, I joined with Senator LANDRIEU in cosponsoring her amendment, S. 3645, to the Labor-HHS-Education FY 2001 Appropriations Bill, H.R. 4577, which proposed focusing \$750 million in federal funds on serving the poorest school districts. Unfortunately, that amendment was tabled, and thus defeated, despite bipartisan support for improving the distribution of federal funds to better serve all students. However, on behalf of the New Democrats, I successfully garnered inclusion of language requesting a GAO study of the formulas used to distribute federal education funds under Title I of the ESEA, including an assessment of their effectiveness in meeting the needs of the highest poverty districts. The GAO full report is expected in January 2002.

As 2000 advanced, progress on the Three R's reform model was slowed by special interests, partisan politics, and the Presidential campaign of which I

was a part. Congress failed to reauthorize ESEA on time for the first time since its enactment in 1965. Nonetheless, New Democrats and members supporting reform on the Republican side managed to take significant steps in the 106th Congress toward furthering the framework for the bipartisan compromise reached in the 107th Congress. Key among our victories were building on the consensus for greater accountability for academic results and agreeing to examine better targeting of federal resources on our nation's most disadvantaged communities.

In August 2000, the Presidential elections went into full swing, taking up much of my time. It was encouraging for me to see both Presidential candidates adopting into their campaign platforms many of the concepts in the Three R's bill. Sandy Kress, current education advisor to President Bush and then advisor to Governor Bush, was widely reported to be a key architect of his education blueprint. I was not surprised to later learn that as a member of the Democratic Leadership Council in Texas, Sandy was intrigued by many of the concepts contained in the Progressive Policy Institute's education reform plan and our Three R's legislation in the Senate. I am pleased that President Bush embraced so many of these reforms in his blueprint for education reform.

After the election, President-elect Bush invited several key education reformers, including Senator BAYH and Representative TIM ROEMER, to Austin to discuss the reauthorization of ESEA. By including key New Democrats at this meeting, the President-elect sent a clear signal that to his administration, a bipartisan bill centered around a moderate message of reform would be a top priority.

That message proved valuable in guiding us toward a compromise this year. On February 13, 2001, early in the 107th Congress, I joined other New Democrat cosponsors in reintroducing the Three R's bill as S. 303. The same day, the White House released a white paper outlining the Administration's education plan, "No Child Left Behind," which shared significant common ground with the Three R's Act. Also that winter, Representative TIM ROEMER reintroduced the Three R's companion bill, H.R. 345, in the House of Representatives, together with 18 other New Democrat cosponsors including CAL DOOLEY and ADAM SMITH, who had introduced the first House bill.

Over the same period, Senate New Democrats were approached by Senator GREGG with the backing of the White House about the introduction of a bipartisan bill using the Three R's as a base. In late February and March 2001, Senators BAYH, LANDRIEU, LINCOLN, and myself began bipartisan negotiations with Sandy Kress of the White House and Republican Senators GREGG, HUTCHINSON, COLLINS, and FRIST.

The Senate Education Committee was simultaneously beginning work on

ESEA legislation, and on March 28, 2001, Senator JEFFORDS, Chairman of the HELP Committee, reported out of committee an education bill, S. 1, entitled "Better Education for Students and Teachers Act," or "BEST."

Understanding that lasting reform requires broad bipartisan support, Senator BAYH and I encouraged the White House and our Republican colleagues to bring all interested parties—many of whom had the same reform goals—together. I am appreciative of the leadership shown by Senators LOTT and DASCHLE in uniting these efforts and to have been included in those negotiations.

However, the bill that emerged from the Senate was not as strong on accountability as the Three R's Act. I was disappointed, for example, that concerns raised by some members of Congress and many outside groups prompted the White House and others to abandon strong accountability tools to measure the performance of all students of all racial groups. Nonetheless, I believe that the language ultimately reached, while not as strong as I would have preferred, marked a dramatic step forward in holding schools, districts and states accountable for making annual progress in student academic achievement.

In the first week of May 2001, this bipartisan substitute bill, S. 1, was brought to the floor. The Senate had a very lively debate on the bill for several weeks, with hundreds of amendments introduced and passed. The debate was interrupted periodically for other debates, most notably the consideration of the final conference report on the budget and tax relief bill, which itself included several education amendments. Several New Democrats, myself included, were concerned that insufficient funds were being provided for investments in important priorities such as education. An amendment to support full funding of IDEA was introduced and passed overwhelmingly by the Senate. Immediately thereafter, Senator JEFFORDS changed his membership in the Republican Party to independent status and the Senate was reorganized. Senator KENNEDY became Chairman of the Senate HELP Committee and Senator GREGG became the Ranking Member of the Committee. Fortunately, the bipartisan working spirit was not harmed by this change, and work on the education bill continued.

During the debate on S. 1, I cosponsored with Senator LANDRIEU an amendment to restore the original purpose of Title I funding by prohibiting the allocation of Title I funds to school districts unless new funds were appropriated to the Targeted Grant formula, focusing these funds on the communities and schools with the greatest need. The amendment, S. Amdt. 475, passed by a vote of 57 to 36. We were able to secure \$1 billion in funding for these targeted grants in a subsequent amendment, S. Admt. 2058, to the Sen-

ate Labor-HHS-Education Appropriations bill, S. 1536, for fiscal year 2002 which passed the Senate on November 6, 2001. The amendment, cosponsored by Senator LANDRIEU, Senator COCHRAN, and myself, passed the Senate by a vote of 81 to 19.

I also cosponsored, with Senators TOM CARPER and GREGG, an amendment to S. 1, S. Amdt. 518, to make public school choice a reality for children trapped in failing schools by encouraging states and local districts with low-performing schools to implement programs of universal public school choice and eliminating many of the existing barriers to charter school start-up and facility costs. Parental choice is a crucial element of accountability, and both provisions promise to give more and more parents a real stake in their children's education. I am proud that both concepts are incorporated in the legislation that we are considering today.

After several weeks of debate, the Senate passed S. 1, "BEST" in June 2001. Since the House of Representatives had introduced H.R. 1, entitled "No Child Left Behind Act of 2001," in March, a conference was necessary to resolve the still significant differences between the bills. In July 2001, I was very gratified to be appointed a conferee to the conference committee of the House and the Senate, with my Three R's cosponsor Senator BAYH. Since Senator BAYH and I are not members of the HELP Committee, our inclusion was unprecedented; and I thank Senator KENNEDY for his keen understanding of the contribution that the New Democrats made to this process of forging a bipartisan compromise.

We have been negotiating and working diligently on the conference report since July, and although this Conference process was long and difficult, I believe the hard work has been worthwhile, as we have produced a landmark bill with the potential to vastly improve our nation's public schools. Senator KENNEDY, Senator GREGG, Representative BOEHNER, and Representative MILLER all deserve praise for creatively resolving differences between the bills.

Previously, accountability for federal education dollars had been focused on how a state, school district, or school spent funds rather than the results that those funds produced. The Three R's bill, and now the new conference report bill, shifts the focus from inputs to outcomes. This conference report embodies the performance-based accountability model put forth in the Three R's bill for holding states, school districts, and schools accountable for increases in student achievement based on state assessments and state standards.

Of course, we have not solved all of the problems that confront education in the United States, in particular, I would like to take a moment to commend Senator JEFFORDS for his leadership on the issue of educating students

with disabilities under the Individuals With Disabilities Education Act, IDEA, and his dedication to ensuring that Congress lives up to its commitment made in 1975 to provide 40 percent of the costs associated with educating these students. His courage to take such a strong stand on this important priority is admirable. I am hopeful that Congress can address this issue when it takes up the reauthorization of IDEA in 2002.

Nevertheless, this conference report represents a major step forward in improving and reforming our education policies and programs. The following highlights provide an overview of concepts and policy themes that were proposed in the New Democrats' Three R's bill and had an impact on the new legislation.

On accountability, the heart of the Three R's plan called on each state to adopt performance standards in all federal programs, most importantly requiring states to ensure that all students, including those in Title I schools, would reach proficiency in math and reading within 10 years. It required states, districts and schools to disaggregate test results to better focus attention and resources on the lowest performing subgroups in order to close the achievement gap that exists in our nation between disadvantage and non-disadvantaged students, and minority and non-minority students. It further required states to develop annual measurable performance goals for teacher quality and English proficiency, and held states and districts accountable for meeting those goals. The final agreement adopts much of this accountability structure—creating a more performance-based approach to public education.

As to flexibility, the Three R's plan called for consolidating dozens of federal education programs into a limited number of funding streams that would greatly expand the ability of states and districts to allocate federal aid to meet their specific needs. Although the final agreement does not contain the level of consolidation envisioned in the Three R's bill, it does significantly increase the flexibility of states and local districts to transfer funding from many other programs; it also creates new "State Flex" and "Local Flex" experiments to provide even more freedom to consolidate funding.

Concerning disadvantaged students, the Three R's plan would have reformed the Title I program to hold states and districts accountable for closing the achievement gap; strengthened the definition of what constitutes adequate yearly progress; and required districts to first intervene and turn around chronically failing schools, and ultimately restructure them, convert them to charter schools, or close them down. The final agreement builds on these reforms and adds to them, sharply redefining adequate yearly progress so that all students must be academically proficient within 12 years, offering students in failing schools the right

to transfer to higher-performing public schools, and giving families with children in poorly performing schools the right to use federal funds for outside tutoring assistance.

Related to targeting, the Three R's plan not only called for increasing federal funding for Title I and other major programs, but for targeting those resources to the districts with the highest concentrations of poverty. The final agreement includes a New Democrat amendment sponsored by Senators LANDRIEU and myself that channels most of the new Title I dollars to the poorest districts through a more targeted formula. It also changes other program formulas to better target teacher quality, English proficiency, reading, technology and after school funding to the districts and schools with the greatest need.

On teacher quality, the Three R's plan called for consolidating several teacher quality grant programs into a single formula stream, better targeting those dollars to the districts with the most teachers teaching out of their area of specialty, and holding states and districts accountable for ensuring that all teachers are deemed highly qualified by a specified deadline. The final agreement meets all three goals, requiring all teachers in a state to be qualified—not only meeting state certification requirements but also meeting rigorous content standards—by 2006.

As to bilingual reform, the Three R's plan called for a total overhaul of federal bilingual education programs that would streamline the bureaucracy, increase federal investment to meet growing enrollment, and refocus the program's mission on helping non-native speaking students achieve proficiency in English and other academic subjects. The final agreement adopts almost all of these reforms, including a requirement to annually assess students' language proficiency and hold districts accountable for improving English proficiency for the first time.

Regarding public school choice, the Three R's plan called for increasing educational options for parents within the public school framework, strengthening funding for charter schools and creating a new initiative to promote intra- and inter-district choice programs at the local level. The final agreement includes a New Democrat amendment sponsored by Senator CARPER that is based largely on these provisions, as well as Three R's-related measures requiring states and districts to expand the use of report cards to inform parents about school performance.

I would like to turn now to a detailed discussion of some of the major titles and parts of the conference report which have been influenced by the provisions and intent of the Three R's bill. The heart of the Three R's plan, especially for Part A of Title I, was a comprehensive accountability system for closing the academic achievement gap

that held each, district, and school responsible for improving academic performance. It called for a major investment of federal resources under Title I and better targeting of those funds to the highest poverty communities. Under that restructured system, states would be required to define adequate yearly progress, or AYP, for student academic achievement so that all students would be proficient in reading and math within 10 years and each district and school would be required to show measurable progress each year—not just on average, but specifically for minority and disadvantaged subgroups. If schools failed to meet these standards, districts would be required to intervene and make improvements. If schools continually failed, districts would eventually be required to take dramatic steps to overhaul them or close them down, while providing students in those schools with the right to transfer to another higher performing public school.

Title I, Part A of the conference report incorporates much of the ideas and architecture of this system as envisioned under the Three R's bill and substantially builds on them. It authorizes \$13.5 billion in funding for fiscal year 2002 while significantly reforming the funding formulas under Title I, Part A, subpart 2. It demands that states develop new annual assessments in grades 3–8 to better monitor student learning, and sharply redefines the definition of adequate yearly progress to ensure that schools and districts are making demonstrable gains in closing the achievement gap, and that all students are academically proficient within 12 years. And, it demands annual accountability for that progress by intervening in failing schools and districts to turn them around, and imposes tough actions on those that fail to improve over time.

Regarding standards and assessments, the Three R's bill maintained the requirements for state content and student performance standards and annual assessments that existed under current law, as directed under the enactment of the 1994 reauthorization of the Elementary and Secondary Education Act. Under section 1111(b)(4) of Title I, it required that states have in place their annual assessments in English language arts and mathematics by the 2002–2003 school year. It further recognized the growing importance of a high quality science education for all students, so that our nation may continue to compete in a global and increasingly high-tech, high-skilled economy. As a result, it expanded current law by requiring states to develop and implement science standards and assessments by the 2006–2007 school year. States that failed to have their 1994 required assessments, and the new science assessments, in place by the required deadlines would not receive any new administrative funds and would lose 20 percent of their administrative funds in

subsequent years if the failure continued. States would be required to administer assessments annual to at least one grade in each the elementary, middle and high school levels.

It further required in section 1111(b)(4) that states assess limited English proficient—LEP—students in the student's native language if such language would be more likely to yield accurate and reliable information on what that student knows and is able to do. However, it demanded that states require assessments in English for English language arts for LEP students. School districts could delay this requirement for one additional year on a case-by-case basis.

As with the Three R's, the conference report upholds the requirements that exist under current law, as enacted under the 1994 reauthorization of the ESEA, for standards and assessments and penalizes states that fail to meet the requirement to have standards and assessments in place by the 2001–2002 school year. Under the requirement, the Secretary shall withhold 25 percent of a non-compliant State's administrative funds. It further expands on the testing requirements called for under current law and under the Three R's plan. It requires, in section 1111(b)(3), that States develop and implement new annual assessments for all grades, between and including, third-eighth for mathematics, and reading or language arts. Such assessments must be administered beginning in the 2005–2006 school year. The Secretary may withhold administrative funds if states fail to meet deadline for the new annual assessments.

In addition the Act upholds the importance of a science education, as highlighted under the Three R's bill, by requiring states under Title I Part A section 1111(b)(1) to establish science standards and for those standards to be in place by the 2006–2007 school year, and as required under section 1111(b)(3) for states to develop and begin implementation of science assessments in at least one grade in each elementary, middle and high school level by the 2007–2008 school year.

Title I, Part A of the Act, section 1111(3), also requires the assessment of limited English proficient students in English in reading or language arts in English if such student have been in the United States for three years, but allows districts to seek a waiver from this requirement for up to two additional years, on a case-by-case basis. The intent of the new legislation is that these waivers be used only in very limited circumstances, and by no means broadly applied, to protect the integrity of the new program.

In order to assist states with the costs associated with the development of assessments and standards, Title VI of the Three R's bill allowed states to use funds set aside under that title for the continue improvement and development of standards and assessments. This new Act too will ensure that

states have substantial resources to use for the development and administration of new annual assessments. Under section 1111(b)(3), the Act authorizes \$370 million in funding for fiscal year 2002 and raises that level by an additional \$10 million in subsequent fiscal years, up to \$400 million for each fiscal year 2005–2007. If appropriated federal funds fall below the specified amount in any fiscal year, states are allowed to cease the administration, but not the development, of new annual assessments.

To prevent gaming of test results, section 1111(b)(2) of the Three R's stated that in order for a school to be found meeting adequate yearly progress, it must meet its annual measurable objectives set for each subgroup and it must annually assess at least 90 percent of the students in each subgroup. The conference report improves this goal by requiring schools to assess 95 percent of the students in each subgroup. This provision will help protect against any abuses by schools or districts in excluding certain students from annual assessments.

I believe that it is the intention of the language in section 1111(3) regarding new annual assessments in mathematics and reading or language arts, and science, that such assessments shall be interpreted by the U.S. Department of Education to mean state developed tests that produce valid and reliable data on student achievement that is comparable from school to school and district to district. This conference report's expanded and improved focus in section 1111(3) of Title I on high-quality annual assessments will help ensure that schools and parents have a better understanding of students' levels of knowledge and the subject areas requiring improvement. Such regular monitoring of achievement also will help schools and district better achieve continuous academic progress.

Regarding English proficiency assessments, Title III of the Three R's required states to develop annual assessments to measure English proficiency gains. This new Act recognizes the importance of measuring English proficiency attainment by limited English proficient students. Under section 1111, it requires that states hold districts accountable for annually assessing English proficiency (including in the four recognized domains of reading, writing, speaking and listening). States must demonstrate that, beginning no later than the 2002–2003 school year, school districts will annual assess English proficiency of all students with limited English proficiency. In addition, it is the intention of the Conference that the Secretary provide assistance, if requested, to states and districts for the development of assessments for English language proficiency as described under section 1111(3) so that those assessments may be of high quality and appropriately designed to measure language proficiency, including oral, writing, reading and com-

prehension proficiency. Regular and high quality comprehensive assessment of English language proficiency will help create a stronger mechanism for measuring proficiency gains and ensuring progress.

In calling for reformed accountability systems in states, Section 1111(b)(2) of the Three R's required states to end the practice of having dual accountability systems for Title I and non-Title I schools, requiring states to establish a single, rigorous accountability plan for all public schools. It allowed states to determine what constitutes adequate yearly progress, or AYP, for all schools, local educational agencies, and the state in enabling all children in schools to meet the state's challenging student performance standards.

It also established some basic parameters on AYP, requiring it to be defined so as to compare separately the progress of students by subgroup—ethnicity/race, gender, limited English proficiency, and disadvantage/non-disadvantaged; compare the proportions of students at each standard level as compared to students in the same grade in the previous school year; be based primarily on student assessment data but may include other academic measures such as promotion, drop-out rates, and completion of college preparatory courses, except that the inclusion of such shall not reduce the number of schools or districts that would otherwise be identified for improvement; include annual numerical objectives for improving the performance of all groups of students; and include a timeline for ensuring that each group of students meets or exceeds the state's proficient level of performance within 10 years.

Section 1111(b)(2) of the conference report defines AYP in a manner that is consistent with the goals of the Three's. It defines AYP as a uniform state bar or measure of progress for all students, set separately for mathematics and reading or language arts, and is based primarily on assessment data. The amount of progress must be sufficient to ensure that 100 percent of all students reach the state's standard of academic proficiency within 12 years. States are required to set a minimum bar, or measure, based on either the level of proficiency of the lowest performing subgroup in the state or the lowest quintile performing schools, whichever is higher, plus some growth. States may keep the bar at the same level for up to three years before raising it to the next level. However, the first incremental increase shall be two years after the starting point, and the bar shall be raised in equal increments. Each of the four disaggregated subgroups—disadvantage/non-disadvantaged, limited English proficient, disabled, and race/ethnicity—must meet the state uniform bar, or measure of progress, for both mathematics and reading or language arts in order for a school or district to be determined meeting AYP.

However, the Conferees understand that some subgroups may make extraordinary gains but still fall below a state's uniform bar for progress. Therefore, section 1111(b)(2) of this conference report contains a "safe harbor" provision for such cases. Schools with subgroups that do not meet AYP, but whose subgroups make at least 10 percent of their distance to 100 percent proficiency (or reduce by 10 percent the number of students in the relevant subgroup that are not yet proficient), and make progress on one other academic indicator, will not be identified under section 1116 as in need of improvement.

The Conferees intend that this system of setting progress bar and raising it in equal increments over a 12-year period will allow states the flexibility of focusing on their lowest performing subgroups and schools, while gradually raising academic achievement in a meaningful manner. It will further ensure that state plans outline realistic timelines for getting all students to proficiency, and prohibits states from "backloading" their expected proficiency gains in the out years. I believe that the Secretary in approving state plans shall give close scrutiny to the timelines established by states so that they may be meaningful and meet the requirements of this language—to have 100 percent of student in all subgroups reach the state's proficient standard level within 12 years.

In order to address concerns raised over the volatility of test scores, section 1111(b)(2) of the conference report allows states to establish a uniform procedure for averaging of assessment data. Under this system, states may average data from the school year for which the determination is made under section 1116 regarding the attainment of AYP with data from one or two school years immediately preceding that school year. In addition, States may average data across grades in a school, but not across subjects.

As did Three R's, the new Act recognizes that in order to maintain high quality public education alternatives, charter schools must be held accountable for meeting the accountability requirements under Title I for academic achievement, assessments, AYP, and reporting of academic achievement data. However, the legislation also understands the unique relationships established under individual state charter school laws. As a result, this conference report clarifies that charters schools are subject to the same accountability requirements that apply to other public schools, including sections 1111 and 1116, as established by each state, but that the accountability provisions shall be overseen in accordance with state charter school law. It further expresses that authorized chartering agencies should be held accountable for carrying out their oversight responsibilities as determined by each state through its charter school law and other applicable state laws.

To aid low-performing schools so that they may make the necessary improvements to turn themselves around, such as providing more professional development for teachers, designing a new curriculum and hiring more highly qualified teachers, the section 1003 of the Three R's bill required states to set aside 2.5 percent of their Title I, Part A funds in fiscal years 2001 and 2002, and 3.5 percent of funds for fiscal years 2003–2005. States would be required to send 80 percent of these funds directly to school districts for the purpose of turning around failing schools and districts.

This conference report contains similar requirements, demanding that states set aside two percent of their Title I funds received under subpart 2 for fiscal years 2002 and 2003, and four percent of their funds in fiscal years 2004–2007 to assist schools and districts identified for improvement and corrective action under section 1116, and to provide technical assistance under section 1117. States shall send 95 percent of the funds reserved in each fiscal year directly to local school districts. It further authorizes \$500 million for grants to local school districts to provide supplemental efforts by districts to address schools identified under section 1116. I believe it is the intention of these provisions that funds be directed first, at schools and districts in corrective action, and second, to schools and districts identified for improvement.

Under the Three R's, section 1116, school districts shall identify as being in need of improvement any school that for two consecutive years failed to make adequate yearly progress, or was in, or eligible for, school improvement before enactment of the legislation. Schools identified would have the opportunity to review the school data, and if the principal believed that identification was made in error, the identification could be contested. In addition, districts would be required to notify parents of the school's identification and what it means, what the school is doing to address the problems, and how parents can become more involved in improvement efforts.

Parents of students in schools identified prior to the enactment of the proposed legislation would be given the choice to transfer their child to a higher performing public schools that was not identified under section 1116. For parents of students in schools identified after enactment, the districts would be required to provide the parents with the option to transfer their child to a higher performing school within 12 months after the date of identification.

Schools identified for school improvement under section 1116 of the Three R's would be required to develop and implement school improvement plans to address the school's failure, and to devote 10 percent of Title I, Part A funds for high quality professional development for teachers. Although districts would be allowed to take ac-

tion earlier, the bill required districts to identify for corrective action, any school that, after two years of being identified for school improvement, failed to make AYP. As under improvement, schools would have the opportunity to contest the identification for corrective action. Districts would be required to impose corrective actions that included implementing new curricula, reconstituting school personnel, or making alternative governance arrangements for the school, such as shutting it down and reopening it as a charter school. In addition, parents with students in such schools would continue to receive the right to transfer to another school and have transportation costs or services provided by the district. The bill capped the amount of Title I funds that could be spent by a district in meeting this requirement at 10 percent.

The bill also required states to identify local educational agencies that had failed to make AYP under a similar timeframe, requiring them to develop and implement improvement plans, giving parents the right to transfer their student to another school, and imposing corrective actions for repeated failure.

The conference report embodies much of the concepts proposed in the Three R's bill for turning around low performing schools and imposing corrective actions on those who continually fail. It expands the options available to parents of students in schools identified for improvement or corrective action. And, it ensures that schools that continually fail will face tough consequences.

Under section 1116 of Title I of the conference report, schools and districts that have been identified for improvement or corrective action prior to enactment would start in the same category after enactment. It is the intention of these provisions that schools that have been failing for years do not get to restart their clocks, and that actions be taken immediately to address the failure in those schools and districts.

To address concerns raised that one year's worth of data is not enough to judge success or failure, the Act requires that schools must fail to make AYP for two consecutive years before being identified for improvement under section 1116. Schools identified shall develop and implement improvement plans and receive additional technical and financial assistance to make improvement, and must devote 10 percent of their Title I funds to professional development activities for teachers and principals. Parents of children in these schools will be given the option to transfer their child to a higher performing public school with transportation costs or services provided. The Act clarifies that, although districts are required to provide transportation, they may only use up to 15 percent of their Title I funds to pay for such costs or services. The option to transfer shall

only be consistent with state law—local law or policy shall not apply—and schools receiving transferring students must treat them in the same manner as any other student enrolling in the school. It is the intent of these provisions that capacity constraints not be a barrier to public school choice and that choice be meaningful by ensuring that transportation costs or services will be provided.

Schools that fail for three consecutive years to meet AYP shall continue the improvement plan and other requirements from the previous year, and shall give parents the option of receiving, and selecting, outside tutoring assistance for their child from a state-approved list of providers. Such providers may include private organizations, non-profit organizations, and community-based organizations. School districts shall only be required to reserve 20 percent of their Title I funds under Part A, and spend up to 5 percent of their Title I funds on providing parents with the option to transfer to another school and 5 percent to provide supplemental services, with the remaining 10 percent of funds split between the two requirements as determined by the district. District shall not be required to spend more than the reserved maximum of 15 percent on providing supplemental services and shall select students by lottery if not all eligible students may be served.

It is the intention of these provisions that student in failing schools have meaningful options to choose from while enabling districts to devote the bulk of their Title I resources on making improvements in the underlying school.

Just as the Three R's demanded that tough actions be taken with schools that fail to improve, the conference report requires that schools that fail to meet AYP for four years undergo at least one corrective action. Such actions include instituting a new curriculum, replacing the principal and some relevant staff, or reopening the school as a charter school. Schools that fail for five consecutive years shall continue the action from the previous year and must begin planning for restructure. These measures are intended to ensure that districts take actions that will result in a substantive and positive change in the school, and that directly address the factors that led to failure.

This conference report embodies the intent of the Three R's and conferees that schools that continually fail to improve must, at some point, face dramatic consequences. Section 1116 requires that Schools that fail to meet AYP for six consecutive years shall be completely restructured, including instituting a new governance structure, such as a charter school or private management organization, and replace all relevant staff. These steps shall, in effect, result in the creation of an entirely new school.

I believe that the timelines established under this conference report are

rigorous but fair and will allow for true identification of low performing schools so that they may get the assistance and time they need to turn around performance, but ensure that they face comprehensive and tough penalties if they fail to make improvement.

Clarifying that identification should be based on two years worth of data, the Act requires that schools must make AYP for two consecutive years in order to be removed from improvement status, corrective action, or restructure under section 1116. Districts may delay corrective action or restructure for one year for a school that makes AYP for one year. It is the intention of this provision that schools that may be on the right track to better performance should not be forced to curtail current improvement actions in order to implement a new one. Rather, such schools should be expected to continue current improvement activities and monitored for progress for one additional year. If schools fail to make a second year of AYP, then they would be forced to undergo corrective action, or restructure.

As under the Three R's, the conference report requires states to establish a similar process for identifying and taking corrective action on school districts that fail to meet AYP, and for providing parents in failing districts with the option to transfer to a higher performing school or receive supplemental services from a tutoring provider. Just as districts shall be required to enforce improvement, corrective action and restructure requirements, it is my belief that this conference reports intends for states to aggressively monitor district performance and follow the requirements established under section 1116 regarding district improvement and corrective action. I further believe that the Secretary shall consider non-compliant any state that fails to take action on districts identified under section 1116, or fails to take actions on schools identified under section of 1116—in cases where districts within the state fail to uphold these requirements.

Regarding teacher quality, the Three R's Title II required states to have all teachers fully qualified by 2005, meaning that they must be state certified and have demonstrated competency in the subject area in which they are teaching by passing a rigorous content knowledge test, or by having a bachelor's degree, or equivalent number of hours in a subject area. The provisions were intended to ensure that all students, particularly those in high poverty schools, were taught by educators with expertise in their subject area. It sought to address the inequity that exists in our public education system where disadvantaged students are more often taught by a teacher that is out of field than their more advantaged peers. It also defined, in section 1119 of Title I, professional development, so that teachers and principals would receive

high quality professional development that provides educators and school leaders with the knowledge and skills to enable students to meet state academic performance standards; is of ongoing duration; is scientifically research based; and, in the case of teachers, is focused on core content knowledge in the subject area taught.

To place greater emphasis on the crucial need for highly trained teachers in our nation's poorest schools and recognizing that a significant portion of Title I funds are used to hire teachers, the Three R's required states under Title I section 1119, as well as under Title II to ensure that all teachers meet the requirement to be fully qualified by the end of 2005; to annually increase the percentage of core classes taught by fully qualified teachers; and to annually increase the percentage of teachers and principals receiving high quality professional development.

Section 1119 of the Three R's also established requirements for paraprofessionals to ensure that such individuals would be appropriately equipped to assist teachers in the classroom and assist in tutoring students. Paraprofessionals that provided only translation services for non-native speaking students and families, or parent involvement activities, would be exempted from the new requirements. The bill also placed restrictions on the types of duties that paraprofessional may provide in schools. The intent of these provisions was to reduce the reliance in schools on paraprofessionals in providing core academic instruction to students, and place a priority on ensuring that students be taught by a highly trained teacher.

This conference report embodies much of the Three R's goals and provisions on teacher quality, professional development and paraprofessional quality. Section 1119 of the report requires states to ensure that all teachers hired under Title I will be highly qualified by the end of the 2005–2006 school year. Highly qualified is defined as being state certified and, in the case of a newly hired teacher, having demonstrated competency by passing a rigorous content knowledge test or having a bachelor's degree in the subject area taught. And, in the case of an existing teacher, highly qualified teachers shall have demonstrated competency by passing a rigorous content knowledge test or meeting a high, objective and uniform standard of evaluation developed by the state.

I believe it is the intention of this language to ensure that content knowledge assessments or state standards of evaluations as described in section 1119 will provide for a rigorous, uniform, objective system that is grade appropriate and subject appropriate, and that will produce objective, coherent information of a teacher's knowledge of the subject taught. Such a system is not intended to stigmatize teachers but to ensure that all teachers have the crucial knowledge necessary to ensure

that students may meet the state's challenging academic achievement standards in all core subjects.

In addition, I believe that it is crucial that existing teachers be given the high quality professional development necessary to ensure that they meet the definition of highly qualified. That is why under Part A of Title II of the Three R's bill, and under section 1119 of this conference report, states would be required establish annual measurable objectives for districts and schools to annually increase the percentage of teachers receiving high quality professional development, and to hold districts accountable for meeting those objectives. It also is why both pieces of legislation require under Part A of Title I that districts spend five percent of their Title I funds received under subpart 2 on professional development activities, and require under section 1116 that schools identified devote 10 percent of their Title I funds to professional development activities as defined under section 1119.

On report cards, The Three R's, in Title IV, section 4401, required states, districts and schools to annually publish and widely disseminate to parents and communities report cards on school level performance. It required that report cards be in a manner and format that is understandable and concise. State report cards would be required to include information on each district and school within the state receiving Title I, Part A and Title II, Part A funds, including information disaggregated by subgroup regarding: student performance on annual assessments in each subject area; a comparison of students at the three state standard levels of basic, proficient and advanced in each subject area; three-year trend data; student retention rates; the number of students completing advanced placement courses; four-year graduation rates; the qualifications of teachers in the aggregate, including the percentage of teachers teaching with emergency or provisional credentials, the percentage of classes not taught by a fully qualified teacher, and the percentage of teachers who are fully qualified; and information about the qualifications of paraprofessionals.

District level report cards would be required to report on the same type of information as well as information on the number and percentage of schools identified for improvement, and information on how students in schools in the district perform on assessments as compared to students in the state as a whole. School level report cards would be required to include similar information as that required under the state and district report cards as well as information on whether the school has been identified under section 1116. Parents would also have the right to know, upon request to the school district, information regarding the professional qualifications of their student's classroom, and information on the level of performance of the individual student.

Section 1111 of Title I of the conference report contains a similar structure for report cards and essentially the same required information. States would be required to annually report to the public on student performance information in the aggregate for each of the four subgroups, in addition to migrant students and gender, including: student performance on state assessments; a comparison of students performing at each of the states standard levels of basic, proficient and advanced; graduation rates; the number and names of schools identified under section 1116; the qualification of teachers; and the percentages of students not tested.

Districts would be required to provide similar information in their report cards, in addition to information on the numbers and percentages of schools identified for school improvement under section 1116, and how long the schools have been identified. In the case of school level information, districts shall also include whether the individual school has been identified for improvement.

Expanding on the intent behind the Three R's to make the public, including parents, schools, and communities more aware of how our nation's schools are performing, the conference report further requires that states submit annual reports to the Secretary with information, including the disaggregated assessment results by subgroup; the numbers and names of each school identified for improvement under section 1116 and the reasons for the identification as well as the measures taken to address the achievement problems; the number of students and schools that participated in the public school choice and supplemental service programs and activities in section 1116; and information on the quality of teachers and the percentages of classes not taught by a highly qualified teacher. The Secretary, in turn, shall transmit a report to Congress with data from these state reports.

This conference report carries out the intent of the Three R's to provide the public, particularly parents, with a greater awareness of state, districts and school performance on raising academic achievement; the academic achievement levels of all students disaggregated by subgroup; and the qualifications of our nation's educators. Such information expands public understanding of the academic achievement gap that exists between minorities and non-minorities, and between disadvantaged and non-disadvantaged students so that the federal government, states, districts, and schools may better target attention and resources in order to close those gaps.

As to targeting funds, the Three R's plan made a commitment not only to boost the Federal investment in public education, but to improve the targeting of those resources to the schools with the greatest needs. It found in Title I, section 1001, that:

The Federal Government must better target Federal resources on those children who are most at risk for falling behind academically. Funds made available under this title [Title I, Part A] have been targeted on high-poverty areas, but not to the degree the funds should be targeted on those areas, as demonstrated by the following: (A) although 95 percent of schools with poverty levels of 75 percent to 100 percent receive title I funds, 20 percent of schools with poverty levels of 50 to 74 percent do not receive any title I funds; [and] (B) only 64 percent of schools with poverty levels of 35 percent to 49 percent receive title I funds. Title I funding should be significantly increased and more effectively targeted to ensure that all economically disadvantaged students have an opportunity to excel academically.

The Three R's plan upheld the commitment made in the 1994 law that all new funds under Title I, Part A would be distributed to states and districts under the Targeted Grant formula described in section 1125. This commitment was further codified this past June when the Senate passed an amendment, S. Amdt. 475, to S. 1, the Senate ESEA reauthorization bill, that would prohibit the Secretary from making awards under Title I, Part A, Subpart 2 unless the goals of the Targeted Grant formula were met.

This campaign to better target federal funds met with much political resistance. But the Conference Committee decided to make this goal a priority, and as a result, the conference report upholds and in some cases goes beyond the call for targeting in the Three R's plan. In particular, it includes the amendment sponsored by myself and Senator MARY LANDRIEU regarding the Targeted Grant.

The conference report maintains current law formulas under subpart 2 for Basic, Concentration and the Targeted Grant formula, but applies a hold harmless rate of 85-95 percent of the previous fiscal year allocation to each district for each of these three formulas. However, it also ensures that localities that fail to meet the minimum threshold for the Concentration grant for four years shall no longer be eligible for funds under this formula.

Crucial to the priority of targeting our federal funds, are the provisions made under section 1125 to Targeted Grant and the Education Finance Incentive Grant. In particular, the language prohibits the allocation of funds under Part A, unless all new funds are distributed through the Targeted Grant formula. It is the intent of this provision to address the history of Federal appropriations, which have failed to provide funding to the Targeted Grant, by requiring appropriators to uphold the commitment that has existed in authorized law since 1994 to better target Federal resources to our nation's highest poverty districts via the Targeted Grant formula.

In addition, these provisions significantly modify the Education Finance Incentive Grant Program. This program has never been funded and previously would have been the least targeted formula for Title I, Part A funds.

The conference report changes the formula so that funding to states would be based on the total number of poor children within the State multiplied by the per pupil expenditure, the state's effort factor, and the state's equity factor. Most significantly, within state allocations would be highly targeted to the highest poverty districts within each state. Allocations to districts would be based on the Targeted Grant formula, with greater weighting given to higher poverty areas depending on the state's equity factor.

I believe that these changes clarify the intent that new Title I funds should be distributed through the Targeted Grant formula while ensuring that Education Incentive Grant is modified to better target resources to high poverty states and districts. These provisions will make for some of the most important reforms in this conference report, and will help ensure that Federal resources are targeted to our districts and schools with the greatest need, rather than diluted across districts with relatively low levels of poverty.

Regarding Title I, Part B—Student Reading Skills Improvement Grants, I believe that reading is an essential building block to learning. Title I, Part A, sections 1111 and 1116 of the New Democrats Three R's bill put special emphasis on ensuring that all children reach the state proficiency level in reading and mathematics within 10 years, and held states and school districts receiving federal funds accountable for ensuring that their students achieve at the proficient level in both core subjects. It further called for a significant increase in funding for Title I and under subpart 2, called for greater targeting of those resources on our highest poverty communities so that they have the funds necessary to ensure all students achieve higher levels of learning in core subjects, such as reading.

The Three R's bill throughout its entirety, but especially in Titles I, called for targeting of resources to the poorest students and schools. With the same policy goal, the conference report in Title I, Part B, also targets resources to the poorest students. It does so by sending "Reading First" awards, authorized at \$900 million level in FY02 in subpart 1 to states under a poverty-based formula that requires states to give priority in awarding competitive grants within the state to high poverty areas; and requires school districts to target funds to schools with high percentages of students from families below the poverty level, or that have a high percentage of children in grades K-3 reading below grade level and that are identified for school improvement under Sec. 1116. Additionally, subpart 2 of Part B of conference report provides a new competitive grant initiative authorized at \$75 million in FY02 called "Early Reading First" which funds early reading intervention targeted at children in high-poverty areas and

where there are high numbers of students who are not reading at grade level.

The intention of the Reading First programs is to place a high federal priority on reading so that students may better succeed academically in other subjects as well. These programs seek to provide students with the basic skills to reach proficiency in reading or language arts in their grade level, and to better train teachers to teach children to read. They provide the fundamental building blocks to help ensure that states, districts and schools reach their academic achievement goals set forth in this Title.

Teacher quality is also essential to student success, which is why our Three R's legislation dramatically increased the national investment in teacher professional development in its Title II, Part A, to help ensure that all teachers are competent in their subject area, and provided them with more opportunities for high quality professional development. The "Reading First Program" in Title II, Part B of the conference report follows this lead and calls for preparing teachers, including special education teachers, through professional development and other support, so the teachers can identify specific reading barriers facing their students and so the teachers have the tools to effectively help their students learn to read. It is the intent of the legislation to ensure that teachers are highly qualified and trained in the latest research and techniques to help all children learn to read and that the Department provides technical assistance and disseminates best practices and the latest research on reading.

Because it is important to better understand each child's level of understanding and learning as he or she enters schools and to identify children at risk for reading difficulties, Title I, Part A, of the Three R's bill required states to assist and encourage districts to conduct first grade literacy diagnostics and assessments that are both developmentally appropriate and aligned with state content and student performance standards and to provide districts with technical assistance. With this same goal, the conference report in Title I, Part B calls for states to assist school districts in selecting and developing rigorous diagnostic reading and screening, diagnostic and classroom-based instructional reading assessments. The intent of the legislation is to ensure that every child receives a rigorous diagnosis and assessment of their reading capabilities and that schools and teachers are helped to administer and use these assessments so that they can better determine each student's level of reading and design strategies to ensure that child will read at grade level.

Throughout its entirety, the Three R's bill emphasized greater accountability for results. This conference report encompasses this results-based approach. Additionally, Title IV, Part D,

of the Three R's bill called for much more public reporting of progress so that parents can make more informed decisions regarding their child's education. The "Reading First Program" in Title I, Part B, Subpart 1, of this new bill requires states receiving grants to provide the Secretary with an annual report including information on the progress the state, and school districts, are making in reducing the number of students served under this subpart in the first and second grades who are reading below grade level, as demonstrated by such information as teacher reports and school evaluations of mastery of the essential components of reading instruction. The report shall also include evidence that they have significantly increased the number of students reading at grade level or above, significantly increased the percentages of students in ethnic, racial, and low-income populations who are reading at grade level or above, and successfully implemented the "Reading First Program" in Title I, Part B, Subpart 1 of the conference report. It is the intent of this legislation that the Secretary hold accountable states, school districts, and schools for making progress in increasing the numbers of students—in all major economic racial and ethnic groups—who are reading at or above grade level by calling upon the Secretary to review the data contained in these reports to make a determination on continued funding for states. I would encourage the Department, in its review, to rigorously enforce the intended accountability for lack of performance by taking stringent actions to ensure that recipients of federal funds demonstrate results in reading gains for all students.

In regards to Title II—Preparing, Training and Recruiting High Quality Teachers and Principals, the conference report will make revolutionary changes in federal programs aimed at raising the quality of our nation's teachers and principals. Many of these reforms were promoted in the Three R's legislation introduced in the 106th and 107th Congresses. Most significantly, this conference report builds on the structural reform advocated by the New Democrats in Title II of the Three R's bill to streamline several programs into one formula program to states and localities to better focus Federal attention on the critical aspects of teacher and principal quality to ensure that all students, especially those most disadvantaged, are taught by a highly qualified teacher. It also further enhances the call for better targeting of our federal resources on the highest poverty states and school districts.

Title II, Part A of the Three R's bill emphasized the importance of every child being taught by a highly qualified teacher because research consistently shows that teacher quality is a key component of student achievement. It transformed the current Eisenhower Professional Development Programs into one performance-based program

that in return for greater investments, held states and districts accountable for having all teachers "fully qualified" within four years and for providing teachers and principals with high quality professional development. The Three R's required states to set annual measurable objectives so that all teachers would be "fully-qualified" by the school year 2005–2006, with "fully-qualified" defined for secondary as being state certified, having a bachelor's degree in the area that they teach, and passing rigorous, state-developed content tests. Title VII of the Three R's bill further required states to meet the annual measurable performance objectives established in each title and imposed fiscal consequences if they did not meet their goals.

Title II, Part A—Teacher and Principal Training and Recruiting Fund of the new bill has accountability measures similar to that of the Three R's bill in Titles II and VII and stipulates that all teachers must be "highly-qualified" by the school year 2005–2006. It further requires states to set annual measurable objectives to meet that goal and to ensure that teachers and principals get high quality professional development. States must hold districts accountable for meeting these annual objectives; districts that fail to make progress toward meeting the objectives for two consecutive years must develop an improvement plan that will enable the agency to meet such measurable objectives. States must provide technical assistance to such districts and schools within the districts. If a district fails to make progress toward meeting the objectives for three consecutive years, the district shall enter into an agreement with the state on the use of the district's funds. Under this agreement, the state shall institute professional development strategies and activities that the district must use to meet the measurable objectives and prohibit the district from using Title I funds received to fund paraprofessionals hired after the date of enactment, except that the district may use Title I funds if the district can demonstrate a significant increase in student enrollment, or an increased need for translators or assistance with parent involvement activities. During this stage of professional development strategies and activities by the state, the state shall provide funding to schools affected to enable teachers within such schools to select high-quality professional development activities.

It is the intent of this legislation that states rigorously enforce these accountability measures in regards to districts that fail to meet the goals established by the state. I would encourage that the Secretary consider as non-compliant any state that fails to take action on districts failing these goals, and urge the Secretary to take action to ensure that such states uphold the requirements of this language to hold districts accountable.

The conference report establishes a different definition of what constitutes a “highly-qualified” teacher, found in Title I, Sec. 1119, than was proposed in the Three R’s definition of “fully qualified” teacher, found in Title II, Part A. However this definition still retains a strong and reasonable focus on ensuring all teachers meet a high state standard of demonstrated content knowledge. Specifically, the “No Child Left Behind Act” defines “highly-qualified” teachers as teachers that are state certified and:

1. In the case of a newly hired elementary school teacher, has a bachelor’s degree and has demonstrated, by passing a rigorous state test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum.

2. In the case of a newly-hired secondary school teacher, has a bachelor’s degree and demonstrates a high level of competency in each subject area taught by passing a rigorous state academic subject area test, or completion, in the subject area(s) taught, of an academic major, graduate degree, or equivalent course work for an undergraduate major, or advanced certification.

3. In the case of a veteran elementary or secondary school teacher, holds a bachelor’s degree and has passed a rigorous state test, or demonstrates competency based on a high, objective and uniform standard of evaluation developed by the state.

As stated earlier, I believe it is the intention of this language to ensure that content knowledge assessments or state standards of evaluations as described in section 1119 will provide for a rigorous, uniform, objective system that is grade appropriate and subject appropriate, and that will produce objective, coherent information of a teacher’s knowledge of the subject taught. Such a system is not intended to stigmatize teachers but to ensure that all teachers have the crucial knowledge necessary to ensure that students may meet the state’s challenging academic achievement standards in all core subjects.

In addition, I believe that it is crucial that existing teachers be given the high quality professional development necessary to ensure that they meet the definition of highly qualified. That is why under Part A of Title II of the Three R’s bill, section 1119 of this conference report, and this title, states would be required to establish annual measurable objectives for districts and schools to annually increase the percentage of teachers receiving high quality professional development, and to hold districts accountable for meeting those objectives. It also is Three R’s and this legislation required districts to spend a portion of their Title I funds on professional development, and required under section 1116 that schools identified devote 10 percent of their Title I funds to professional de-

velopment activities as defined under section 1119. In addition, I am pleased that this title authorizes over \$3 billion for the purpose of ensuring that all students be taught by a highly-qualified teacher by providing a major investment of federal resources to help states and districts with the recruitment and retention of high quality teachers.

Following the intent of the Three R’s bill, to target federal education funding to meet the needs of the poorest children, schools, and school districts, and to provide assistance to maintain and upgrade skills of teachers, the conference report distributes funding to states through a formula based 65 percent on poverty and 35 percent on student population, and to school districts through a formula based 80 percent on poverty and 20 percent on student population. This targeting formula is the same as that proposed in S. AMDT 474 by Senator LANDRIEU and adopted this summer into S.1, the Senate education bill. The conference report further requires local school districts to provide assurances that they will target funds to schools that have the lowest percentage of highly qualified teachers, have the largest class sizes, or are identified for school improvement under Title I.

Research shows that poor and minority children are more likely to be taught by a teacher who is teaching out of field—without a major or minor in the field they are teaching. Obviously, this is a disadvantage to students as well as teachers. The emphasis on targeting under the Three R’s and expanded upon in this bill, will significantly help our nation’s poorest districts, who often face the greatest obstacles to recruiting and retaining high-quality teachers.

As called for in Title II of the Three R’s bill, Title II, Part A of the conference report also consolidates teacher quality and professional development programs into one program for the purposes of assisting state and local educational agencies with their efforts to increase student academic achievement through such strategies as improving teacher and principal quality, providing high quality professional development for teachers and principals, and recruiting and retaining highly qualified teachers and high quality principals. Similar to Title II of the Three R’s bill, the conference report requires districts to provide high quality professional development for teachers, principals and administrators so that they are better prepared to raise students’ academic achievement and meet state performance standards.

Title II, Part A, subpart 3 of the conference report also encourages innovative training and mentioning partnerships between local school districts and universities, non-profit groups, and corporations and business organizations, by requiring states to reserve 2.5 percent of the funds they receive under this subpart for competitive grants to local partnerships involving higher

education institutions and school districts to provide high quality professional development activities for teachers and principals and high quality leadership programs for principals. This mirrors the educator partnerships suggested in Title II, Part A of the Three R’s bill. The intent of such partnerships is to provide a better linkage between institutions that prepare teachers and the need for high-quality and on-going professional development to teachers and principals in order to reach the goal of having fully qualified teachers in all classrooms and all core subjects.

As did Title II in the Three R’s bill, the conference report gives states and school districts significant flexibility in how they can use federal education funds to meet the goal of having all teachers highly qualified within four years. Such flexibility allows states to reform teacher/principal certification; develop alternative routes to certification for mid-career professionals; provide support to new teachers and principals (such as mentioning); provide professional development; promote reciprocity of teacher and principal certification and licensing between states; encourage and support training for teachers to integrate technology into curricula; develop merit-based performance systems; and develop differential and bonus pay for teachers in high-need academic subjects and teachers in high-poverty schools/districts. This flexibility also extends to the local level, and helps realize the goal proposed in the Three R’s bill to provide states and local with maximum flexibility to address the problem of recruiting and retaining highly-qualified teachers and meeting the goal of ensuring all children are taught by a qualified teacher.

Title II Part B—Mathematics and Science Partnerships responds to the recognition of a national deficit in the number of teachers with demonstrated content knowledge in math and science. The Three R’s bill sought to address this problem by requiring states to set aside 10 percent of the funds they received under Title II, Part A to establish partnership grants—between states, institutions of higher education, local educational agencies, and schools—that supported professional development activities for mathematics and science teachers in order to ensure that such teachers have the subject matter knowledge to effectively teach mathematics and science. Following this same intent, Title II Part B of the conference report provides for a separate Mathematics and Science Partnerships program to states for the creation of partnerships focused on improving the academic achievement of students in math and science by: improving math and science teacher training at institutions of higher education; providing sustained professional development for math and science teachers; increasing the subject matter knowledge of mathematics and

science teachers by bringing them together with scientists, mathematicians and engineers; encouraging institutions of higher education to share equipment and laboratories with local schools; and developing more rigorous math and science curricula, and training teachers in the effective integration of technology into the curricula.

Matching the focus on accountability for results in the Three R's bill, Part B of Title II of the new bill emphasizes accountability and calls for recipients to develop measurable objectives, and to report to the Secretary on the progress of meeting the objectives of increasing the number of math and science teachers receiving professional development; on improved student academic achievement based on state math and science assessments or the International Math and Science Studies; and on other measures such as student participation in advanced courses. The new bill calls on the Secretary to consult and coordinate with the Director of the National Science Foundation with respect to these programs.

The intent of this Part of the conference report is to improve the pre-service training, recruitment, and retention of mathematics and science teachers and to encourage partnerships with institutes of higher education, scientists and engineers who are employed in other sectors to ensure that teachers receive high quality professional development in science and mathematics and with the goal to improve academic achievement by all students in these important subjects. It also creates a stronger focus on core subject knowledge by teachers in mathematics and science where the problems of out-of-field teaching are greatest.

In relation to Title II, part D—Enhancing Education Through Technology, the Three R's bill recognized that it is necessary but not sufficient to increase schools' access to computer hardware; to be an effective educational tool, technology must be integrated into the core curricula and teachers must have adequate training on how to do so. The Three R's bill—Title VI, section 6006, New Economy Technology Schools—provided funding for states and school districts for high-quality professional development for teachers in the use of technology and its integration with state content and student performance standards; effective educational technology infrastructure; training in the use of equipment for teachers, school library and media personnel and administrators; and technology-enhanced curricula and instructional materials that are aligned with state content and student performance standards. It also required states and districts to provide high-quality training to teachers, school library and media personnel and administrators in the use of technology and its integration with state content and student academic standards. These core principles were adopted in Title II

part D of the conference report, which consolidated several technology programs into a state-based technology grant program entitled "Enhancing Education Through Technology."

The purposes of part D of Title II of the new law are to provide assistance to states and localities for the implementation and support of a comprehensive system that effectively uses technology in elementary and secondary schools to improve student academic achievement; to encourage private-public partnerships to increase access to technology; to assist states and localities in the acquisition, maintenance and improvement of technology infrastructure to increase access for all students, especially disadvantaged students; to support initiatives to integrate technology into curriculum aligned with state student academic standards; to provide professional development of teachers, principals and administrators in teaching and learning via electronic means; to support electronic networks and distance learning; to use technology to promote parent and family involvement, and most importantly to support rigorous evaluation of programs and their impact on academic performance. These points are comparable to Title VI Sections 6001 and 6006 of the Three R's bill.

The primary goal of the conference report's Title II, part D, as stated in its purpose section, is to improve student academic achievement through the use of technology in elementary and secondary schools, to ensure that every child is technologically literate by the time they finish the eighth grade regardless of their background and to encourage the effective integration of technology and teacher training and curriculum. The conference report requires states to develop state technology plans which must include an outline of the long-term strategies for improving student academic achievement and local applications for grants must include a description of how they will use Federal funds to improve academic achievement aligned to challenging state academic standards. These parallel the goals under the Three R's Title VI which emphasized that technology should be an integrated means to higher achievement, not an end unto itself. It is our intent that achieving this emphasis remains a key goal for state technology plans, and that states rigorously review local applications and performance in making any future awards.

The Findings Policy and Purpose section of Title VI of the Three R's bill, section 6001, found that technology can produce far greater opportunities to enable all students to meet high learning standards, promote efficiency and effectiveness in education, and help to immediately and dramatically reform our nation's educational system. It also found that because most federal and state educational technology programs have focused on acquiring educational technology hardware, rather

than emphasizing the utilization of the technologies in the classroom and the training and infrastructure required to support the technologies, the full potential of educational technology has rarely been realized. It also noted that the effective use of technology in education has been inhibited by the inability of many State educational agencies and local educational agencies to invest in and support needed technologies, and to obtain sufficient resources to seek expert technical assistance in developing high-quality professional development activities for teachers and keeping pace with rapid technological advances. Three R's also emphasized that to remain competitive in the global economy, our nation needs a workforce that is comfortable with technology and able to integrate rapid technological changes into production processes. These purposes remain fully applicable to the implementation and goals of the new Act.

The emphasis in the new law on using technology to improve student academic achievement in core subjects is directly related to the goals of the Three R's bill which called for improved academic achievement for all children. Title II part D of the conference report is closely aligned with Title VI—High Performance and Quality Education Initiatives of the Three R's bill. The intent of this legislation is to make sure that technology programs are not just providing access to hardware, but are effectively integrating technology into activities that are part of the core curricula and to assist students in improving academic achievement aligned with state content and performance standards and this intent is carried over into the new law. The Department in overseeing these provisions should be expected to place strong emphasis in ensuring that these goals are achieved.

The Three R's emphasized targeting of resources to the poorest children and schools. This goal was expanded upon in the new law's Title II, Part D, as funds are allocated to the states based 100 percent on what the state received under Title I, Part A. Additionally, of the total state funds distributed to locals, 50 percent shall be distributed through a state formula based on Title I, Part A, and the remaining 50 percent shall be distributed via competitive grants. Additionally, competitive grants shall give priority to high need areas. The intent is that states shall determine which school districts, because of their size, receive an insufficient amount of formula funds, to implement efficient and effective activities, and provide them with supplemental competitive grants.

Title II, part D of the new law requires states to submit applications for technology funds and that such applications shall include long-range strategic technology plans. The intent of this is to ensure that states design long-term strategies for improving student academic achievement, including

technology literacy, that incorporate the effective integration of technology in the classroom, curricula, and professional training of teachers. Such plans shall also contain a description of: the state goals for using advanced technology to improve student achievement aligned to challenging state academic standards; the steps they will take to ensure that all students and teachers in high-need school districts have increased access to technology; the process and accountability measures the state will use to evaluate the effectiveness of the integration of technology; how incentives will be provided to teachers who are technologically literate to encourage such teachers to remain in rural and urban areas; and how public and private entities would participate in the implementation and support of the plan. We intend that in administering this effort, that the Department of Education require that states effectively integrate technology in their classrooms and curricula, and provide adequate professional development for their teachers, with the goal of improving student academic achievement in core subjects.

The specific intent in the new Title II, part D is that each local application for technology grants shall include a description of: how the school district will use federal funds to improve the academic achievement, including technology literacy, of all students and to improve the capacity of all teachers to provide instruction through the use of technology; what steps they will take to ensure that all students and teachers in high-need School districts have increased access to technology; how they will promote teaching strategies and curriculum which effectively integrate technology into instruction leading to improvements in student academic achievement as measured by challenging state standards; how it will provide ongoing professional development for teachers principals administrators and school library personnel to further the effective use of technology in classrooms and library media centers; and the accountability measures and how they will evaluate the extent to which the technology has been integrated into the curriculum, increasing the ability of teachers to teach and increasing the academic achievement of students. All of these elements are consistent with the Three R's goals that technology shall not be introduced for technology's sake, but deeply integrated into the curricula and teaching strategies to foster an enhanced learning environment. We intend that the Department of Education shall aggressively enforce the requirements that states ensure that school districts have a comprehensive technology plan in place; that the use of technology in the classroom foster a learning environment which will improve academic achievement in the core subjects, and not only increase access to technology hardware.

The Three R's emphasis on improving accountability by setting measurable

annual goals and standards for student achievement, and evaluating and measuring progress achieved can be seen in the new Title II part D's requirements for state and local applications. These require states to develop: state goals for using advanced technology to improve student achievement aligned to challenging state academic standards; steps to ensure that all students and teachers in high-need school districts have increased access to technology; and accountability measures the state will use to evaluate the effectiveness of the integration of technology. We intend that, just as in other areas of this Act, the Secretary of Education provide oversight and assist states in the development of rigorous and measurable goals and standards regarding the use of technology to raise student academic achievement, and to develop evaluations of the impact of technology on student academic achievement.

Additionally, one of the allowable uses under state activities in the new Title II, Part D is the development of enhanced performance measurement systems to determine the effectiveness of education technology programs funded under this subpart, especially their impact on increasing the ability of teachers to teach and enable students to meet state academic content standards. We intend that states and school districts develop measurable annual goals and standards to integrate and use advanced technology to improve student achievement, and expect that this option be exercised wherever possible by applicants and strongly encouraged by the Department of Education.

Title II, Part D—Enhancing Education Through Technology requires that state plans and local applications allocate 25 percent of the funds to be reserved for high quality professional training for teachers, principals, librarians and administrators to assist them in integrating the technology and core curriculum. This mirrors the intent of the Three R's Title II, Part A—Teacher and Principal Quality and Professional Development, which calls for teachers to receive high quality professional development and to be trained in the areas that they teach, and specifically the Three R's Title VI, section 6006 which calls for high quality professional development for teachers in the use of technology and its integration with student performance standards.

Regarding Title II, Part A—Teacher and Principal Training and Recruiting Fund, the Three R's proposal called for a radical restructuring of Federal programs serving limited English proficient, or LEP, students. This restructuring streamlined the existing competitive Bilingual Education Act programs and significantly increased and concentrated federal investment for LEP students into one formula program for districts while, in return, demanding results from states, school districts and schools for annual gains

in English proficiency and academic achievement among non-native speaking children. Title III of this new Act embodies much of the restructuring and policy goals proposed in the Three R's, and creates a new, major federal initiative aimed at ensuring LEP and immigrant children have the English language skills and academic knowledge to successfully participate in American society. This conference report will, for the first time, hold recipients of federal funds accountable for annually increasing the percentage of LEP children achieving English proficiency as well as high levels of learning in all core subjects, and nearly doubles the amount of federal funding provided to states and localities for the education of LEP and immigrant students.

The Three R's bill, in Title III, section 3001, recognized that educating limited English proficient students is an urgent and increasing need for many local educational agencies. It found that over the past two decades, the number of LEP children in schools in the United States has doubled to more than 3,000,000, and will continue to increase. One of the key goals of the Three R's bill in Title III, section 3003, was to ensure that students with limited English proficiency learn English and achieve high levels of learning on core academic subjects, including reading and math. Title III of this conference report also has the goal of assisting all LEP students to attain English proficiency, so that those students can meet the same challenging state content standards and challenging state student performance standards as all students are expected to meet.

Title III, section 3001, of the Three R's noted that each year 640,000 limited English proficient students are not served by any sort of program targeted to their unique needs. The title increased the amount of Federal assistance to school districts serving such students and streamlined the existing competitive Bilingual Education Act programs into a single performance-based formula grant for state and local educational agencies to help LEP students become proficient in English. Title III of this new Act also consolidates the Bilingual Education Act, as well as the Emergency Immigrant Education Program, and authorizes \$750 million for one formula program to states and school districts once federal appropriations levels reach \$650 million. The intention behind this language to recognize that a substantial level of federal resources are essential in order to provide funding to districts that is meaningful. It further ensures that resources are not diluted.

The Three R's focused resources to those most in need and allocated funds to states based on the number of LEP students, and required states to send 95 percent of the funds received to school districts so that they may better assist such students. Similarly, the conference report provides funding in Title

III (Part A, subpart 1) to states via a formula based 80 percent on the number of LEP children in the state and 20 percent on the number of immigrant children. Additionally the conference report calls for 95 percent of the funds to be used for grants to eligible entities at the local level. Districts shall receive funds based on their number of LEP students. However, to ensure that funds are not diluted, the Act requires that states shall not make an award to districts if the amount of grant would be less than \$10,000.

Under the Three R's Title III, section 3109, states were required to establish standards and annual measurable benchmarks for English language development that are aligned with state content and student academic achievement standards; develop high quality annual assessments to measure English language proficiency, including proficiency in the four recognized domains: speaking, reading, writing and comprehension; develop annual performance objectives based on the English language development standards set to increase the English proficiency of LEP students; describe how the state will hold districts or schools accountable for meeting English proficiency performance objectives, and for meeting adequate yearly progress with respect to LEP students as required in Title I, section 1111; describe how districts will be given the flexibility to teach English in the scientifically research based manner that each district determines to be the most effective; and describe how the state will provide assistance to districts and schools. Section 3108 further required states to certify that all teachers in any language instruction program for LEP student were fluent in English to help ensure that students in language instruction programs are taught by the most qualified educators.

We intend that these requirements will ensure that states emphasize language proficiency that ensures a comprehensive understanding of the English language so that students have the oral, writing, listening and comprehension skills necessary to successfully achieve high-levels of learning in our schools and later in the American workforce.

In turn, under sections 3106 and 3107, school districts were required to describe how they would use funds to meet the annual English proficiency performance objectives and how the district would hold schools accountable for meeting the performance objectives. Under Title VII, section 7101, states that failed to meet their performance objectives after three consecutive years would have 50 percent of their state administrative funding withheld. And, states that failed to meet such performance objectives after four consecutive years would have 30 percent of their Title VI programmatic funds withheld.

Title III, section 3105 of the Three R's further required the Secretary of the

U.S. Department of Education to provide assistance to states and districts in the development of English language standards and English language proficiency assessments. The intent is that the Department provide support to ensure high quality plans, performance objectives, and English language assessments.

The conference report, contains nearly the same accountability provisions and requirements. Title III, section 3113, requires states to establish standards and objectives for raising the level of English proficiency that are derived from the four recognized domains of speaking, listening, reading and writing, and that are aligned with achievement of the challenging state academic content and student academic achievement standards in section 1111; to hold districts accountable for annually assessing English proficiency as required under Title I, section 1111; and hold districts accountable for meeting annual measurable objectives, in section 3122, for annual increases in the percentage of LEP students attaining proficiency in English, and for making adequate yearly progress as required under Title I, section 1111 while they are learning English.

Section 3122(b) requires states to identify school districts that have failed to meet their annual measurable objectives for two consecutive years and ensure that such districts develop an improvement plan to ensure that the district shall meet the objectives and addresses the factors that prevented the district from achieving such objectives. For districts that fail to meet the annual objectives for four years, states shall ensure that districts modify their language instruction program; determine whether to terminate program funds to the district; and replace educational personnel relevant to the district's failure to make progress on the annual measurable objectives.

States shall be held accountable for meeting the annual performance objective for Title III under Title VI, section 6161 of this Act. The Secretary is required to, starting two years after implementation, annually review whether states have met annual measurable objectives established under Title III. If states have failed to meet such objectives for two years, the Secretary may provide technical assistance to states that is rigorous and provides constructive feedback to each failing state. In addition, the Secretary shall submit an annual report to the Congress listing the states that have failed to meet the objectives under Title III.

Title III of the Three R's bill gave districts the flexibility to determine what method of instruction to implement. This conference report also gives districts the flexibility to design English language instruction programs that best meet the needs of their limited English proficient students. It further, as did the Three R's bill, eliminates the requirement that 75 percent of funding be used to support programs

using a child's native language for instruction to give districts the flexibility they need to meet new proficiency goals.

One of the fundamental goals of the Three R's bill was to provide better information to parents about quality and progress of their child's education. Title III (section 3110) of the Three R's bill required parental notification of each student's level of English proficiency, how it was assessed, the status of the student's academic achievement, and the programs that are available to meet the student's educational needs. Title III further required that states give parents the option to remove their student from any language instruction program. States were required to provide parents with timely information, in manner and form understandable to the parents, about programs under Title III and notice of opportunities to participate in regular meetings regarding programs developed.

Similarly, the conference report, under Title I (section 1112), requires districts to provide parents notification of their child's placement in a language instruction program, and give parents the right to choose among various programs if more than one type is offered, and have the right to immediately remove their child from a language instruction program. The Title further allows districts to develop parent and community outreach initiatives and training so that parents may be more active in their child's education. As with the Three R's bill, the intent of the provision is to provide the maximum information about performance and programs to parents, and the Department must take steps to ensure this.

Title IV, Part A—Safe and Drug Free Schools of the Conference Report was influenced by concepts in the Three R's bill. The Three R's bill sought to more directly focus resources and activities on the improvement of academic achievement. This conference report progresses that goal in the Title IV, Part A—Safe and Drug Free Schools Program, stressing activities that will foster a learning environment that supports academic achievement. The conference report requires states to describe how they will fulfill this goal in their comprehensive plan and their application to the Secretary. Local applications must also assure that the activities will foster a safe and drug free learning environment that supports academic achievement. Additionally, following another major intent of the Three R's bill (in both Titles VI and VII), increased accountability and evaluation is called for in Title IV Part A in the conference report. The activities shall be based on an assessment of objective data and assessment of need. Established performance measures will be used and the programs will be periodically evaluated to assess their progress based on the attainment of these performance measures. National

reports are required every two years by the Secretary and reports by states and school districts are required on an annual basis. The Three R's bill in Title II, Part A and Title VI, Sec. 6006, highlighted increased professional training for teachers, principals, and other staff related to academic content as well as dealing with disruptive students and those exhibiting distress. Similarly, the conference report contains greater awareness and support for training activities.

On academic achievement, the purposes of Title IV Part A—Safe and Drug Free Schools in the conference report are to support programs that: prevent violence in and around schools; prevent the illegal use of alcohol, tobacco and drugs; involve parents and communities; and that are coordinated with related federal, state, school and community efforts and resources. Under the conference report, a school district can use funds to develop, implement and evaluate comprehensive programs and activities which are coordinated with other school and community-based services and programs that foster a safe and drug-free learning environment that supports academic achievement. The overall goal of the programs in the conference report's Title IV Part A is to foster a safe and drug-free learning environment which supports academic achievement. This embodies similar principles in the Three R's bill in Title VI, sections 6001 and 6006 and the general intent of the Three R's bill in focusing all activities on the improvement of academic achievement for all children.

Related to accountability and evaluations, Title VI of the Three R's bill emphasizes that programs should be evaluated to determine if they are effective in achieving the goals of improving safe learning environments. The conference report allows up to \$2 million for the Secretary to conduct a national impact evaluation for the "Safe and Drug Free" programs under Title V Part A. National reports are required every two years by the Secretary and state and school district reports are required on an annual basis. The conference report also requires states to implement a Uniform Management Information and Reporting System that would include information and statistics on truancy rates; the frequency, seriousness, and incidence of violence and drug related offenses resulting in suspensions and expulsion in elementary and secondary schools in states; the types of curricula, programs and services provided, the incidence and prevalence, age of onset, perception of health risk and perception of social disapproval of drug use and violence by youth in schools and communities. Title V part A of the conference report also requires that state and school district applications must contain a needs assessment for drug and violence prevention programs which is based on objective data and the results of on-going state and local evaluation

activities. They shall also provide a statement of the performance measures for drug and violence prevention programs that will be used in evaluations. Under the conference report, programs in this Title will be periodically evaluated to assess their progress based on performance measures. The results shall be used to refine, improve and strengthen the program and to refine the performance measures. Such evaluations shall be made available to the public on request. These provisions follow the intent of the Three R's bill to increase accountability and evaluation in all major activities with the understanding that education reforms cannot be achieved without continual, thorough evaluations of their effectiveness and making such evaluations available to parents and the public. The Department shall act to ensure that quality evaluations are implemented.

The Principles of Effectiveness Activities part of the new act requires that activities shall be based upon an assessment of objective data regarding the incidence of violence and illegal drug use in the elementary and secondary schools, and communities to be served, including an objective analysis of the current conditions and consequences regarding violence and illegal drug use, delinquency and serious discipline problems. In addition, activities shall be based on established performance measures aimed at ensuring that the elementary and secondary schools and communities to be served by the program have a drug-free, safe and orderly learning environment; be based upon scientifically based research that provides evidence that the program to be used will reduce violence and illegal drug use; be based on an analysis of data reasonably available at the time of the prevalence of risk factors and include meaningful and ongoing consultation with parents. It is our intent that the Department act to ensure a high quality assessment effort fully consistent with the requirements.

Regarding streamlining and targeting, the Three R's bill consolidated a number of national competitive grant programs—such as in Title VI—into state and school district formula programs to drive more resources to school districts and to concentrate resources in the poorest areas. The Safe and Drug Free Schools Program in Title V Part A of the conference report, utilizes a formula that is nearly the same as that established under the Three R's bill, with positive improvements. Title V, Part A distributes funds to states through a formula that is based 50 percent on school age population and 50 percent on Title I Concentration Grants, which requires districts to have at least a 15 percent poverty level, or 6,500 low income students. Eighty percent of the funds received by the state shall be distributed to school districts via a formula distribution that is the same as that contained in the Three R's bill, with 60

percent based on poverty in Title I, Part A, subpart 2, and 40 percent on school enrollment.

The Act further allows states to reserve, not more than 20 percent of the total amount received for competitive grants to school districts and community-based organizations, and other entities for activities that complement and support district safety activities. Such activities shall especially provide assistance to areas that serve large numbers of low-income children, or rural communities. This provision further targets funds to areas of need and the Department is expected to adopt guidelines for the flexible program effort that assure quality and creativity.

On professional training, Title II, Part A of the Three R's bill also called for increased professional training for teachers, principals and other personnel, with the goal of providing them with more expertise to create safer environments and to deal with disruptive students, as well as obtain greater ability to help students reach academic achievement goals. Specifically, Title VI, section 6006 of the Three R's allowed localities to use funds to provide professional development programs that provide instruction on how best to discipline children in the classroom, how to teach character education; and provide training for teachers, principals, mental health professionals, and guidance counselors in order to better assist and identify students exhibiting distress, such as exhibiting distress through substance abuse, disruptive behavior, and suicidal behavior. With the similar goal of having trained personnel work with children, Title VI, Part A of the conference report allows for drug and violence prevention professional development and community training. It further, under National Programs under Title V Part A, provides for the development and demonstration of innovative strategies for the training of school personnel, parents and members of the community for drug and violence prevention activities.

Title IV, Part B—21st Century Community Learning Centers of the conference report contains a similar focus to that of the Three R's bill. A major intent of the Three R's bill was to ensure that all ESEA programs, more directly focus on the academic performance of students and that accountability for these programs be strongly linked to increased performance toward that goal. Specifically, Title VI Sec. 6006. of the Three R's bill required localities to spend 25 percent of the funds they received, under a new major federal program that was focused on spurring academic achievement through innovation, on providing high quality, academically-focused after school opportunities to students.

This conference report furthers that principle by making improved academic achievement a primary element of the modified 21st Century Community Learning Centers program. Title

IV, Part B also enhances the aim of greater accountability as set forth in the Three R's—Title VI Sec. 6005 and Title VII, Part A. The legislation provides significantly increased funding for entities providing students with opportunities for continued academic enrichment before and after school, and during the summer. Such opportunities are intended to help students, particularly students who attend low-performing schools, meet state student performance standards in core academic subjects. And, building on the focus of the Three R's bill to demand greater results in return for greater investment, the conference report calls for the 21st Century activities to be evaluated and monitored for their effectiveness, and requires states to consider those results and apply a series of fiscal sanctions if performance does not meet performance goals. Additionally, the Act carries forth the intent of the Three R's bill to target the funds to those most in need. Title IV, Part B of the conference report distributes funds to the states based on their share of Title I, Part A and requires states to give priority for competitive grants to recipients serving low-income communities and schools.

The purpose of 21st Century programs in Title IV, Part B of the conference report is to provide opportunities to communities to establish or expand activities before and after school that: provide academic enrichment, including providing tutorial services to help students, particularly students who attend low-performing schools, to meet state and local student performance standards in core academic subjects; offer students a wide array of additional services and activities such as art, music, and recreation, technology education, character education, and counseling programs that reinforce and complement the regular academic program; offer families of students opportunities for literacy and related educational development. These programs should be designed and approved consistent with the intent of the Three R's bill in Title VI Section 6006 that provided funds to School districts and schools for innovative programs and activities that transform schools into "21st Century Opportunities" for students by creating a challenging learning environment and facilitating academic enrichment through innovative academic programs or provide for extra learning time opportunities for students. The intent of the Three R's bill to focus before and after school programs on learning opportunities, especially for those most in need, is mirrored in the intent and purpose of the conference report's 21st Century program.

Regarding streamlining and targeting, the Three R's bill, in several titles including Title I, had the intent of targeting the education funds to the poorest communities and schools who are most in need. Following this direction, 21st Century funds under the con-

ference report in Title IV Part B are allocated to the states based 100 percent on Title I, part A subpart 2, thereby targeting these funds on a poverty basis. Additionally, the conference report in Title IV Part B requires states to focus competitively awarded grants on applicants that seek to serve students who primarily attend schools eligible for schoolwide programs in Title I, those schools with at least 40 percent low income students, and other schools with a high percentage of low income students;

Regarding accountability and evaluation, the Three R's bill in Title VI Section 6007 and 6008 called for evaluating the impact of 21st Century Opportunity programs on academic achievement. Title IV Part B of the conference report follows this intent, by requiring states to conduct a comprehensive evaluation of the effects of their 21st Century program and activities and requires that state applications describe how the state will evaluate the effectiveness of their 21st Century programs and activities.

Title V, Part B of the conference report contains major influences from the Three R's bill. A primary policy goal of the Three R's bill was to provide additional innovation and effective voluntary public school choice options for children and parents with the belief that market forces and choice integrated into the public framework will result in a stronger system for students with greater incentives for schools to raise academic performance. Title V, Part B of the conference report follows this same intent and develops many of the same programs.

Building directly on many of the proposals contained in the Three R's bill, the conference report would strengthen the Federal commitment to expanding the range of educational options available to all students within the public school framework. Although the conference report makes only minor changes to the current charter schools start up program, designated as subpart 1, does contain a new initiative to help charter schools deal with the cost of operations and facility financing, section 5205(b), as well as a new initiative to encourage broader choice programs at the local level, subpart 3. These provisions are based on language from the Three R's bill—Title IV, Part C—as well as an amendment—S. AMDT. 518—to the Senate bill, S.1, which Senators CARPER, GREGG and I cosponsored that would encourage and expand intra-district wide or inter-district wide public school choice programs as well as help to provide additional options for financing charter schools. In addition, the conference report includes a program that has been funded under appropriations, but never authorized that provides critical funding for charter school construction under subpart 2.

Titles I and VI of the Three R's bill called for increased funding to help finance charter schools, provide them

with technical assistance, evaluate the programs, and disseminate information on innovative approaches, all with the purpose of helping expand the educational choices available in the public system to parents and students. I have been a long time advocate for charter schools and was the chief Democratic sponsor of the Public School Redefinition Act of 1991, S. 1606, and in 1993, S. 429, which provided states with funding to establish charter school.

I am pleased that this conference report will continue this strong federal support for the expansion of the charter school movement, while ensuring that those schools meet the same high accountability standards expected of all schools under Title I, Part A. It was the intent of conferees that charter schools shall meet the accountability requirements in this Act, including those provisions in section 1111 and 1116, but that the mechanism for holding them accountable should be consistent with state law. In most cases, this means that the recognized chartering authority would be responsible for holding charter schools accountable. It is my belief that chartering authorities that fail to carry out their responsibilities in holding charter schools accountable should themselves be held accountable based on State law.

The conference report also ensures that charter schools receive their full allotment of Title I funds by stipulating that a local educational agency, in passing through subgrant awards to charter schools, may not deduct funds for administrative fees unless the applicant enters voluntarily into a mutually agreed upon arrangement for administrative services with the relevant school district. I advocated for this agreement in conference because of the importance of giving charter schools fuller decision-making authority over the funds to which they are entitled.

In addition, the conference report will help further the range of public education options available by creating a new "Voluntary Public School Choice" demonstration program under Title IV, Part B, subpart 3. This program authorizes the Secretary to award grants on a competitive basis for the development of universal public school choice programs. The program evolved out of the Three R's bill and an amendment sponsored by Senator CARPER to S. 1. It is the intent of this program that the Secretary give priority to applicant providing the widest choice and that have the potential of allowing students from low-performing schools to attend high performing schools. I believe that demonstrations that provide inter-district, or state wide choice should be of highest priority. In addition, I am pleased that the program calls for an evaluation of the success of these demonstrations in promoting educational equity and excellence, and the effect of the programs on academic achievement of students

participating and on the overall quality of participating schools and districts.

I believe that the language under section 1116 of Title I, granting parents the option to transfer their student out of a school identified for improvement or corrective action to a higher performing public school, will be meaningless unless the federal government actively supports and encourages programs such as the Charter School Programs and the Voluntary Public School Choice programs under Title V to expand the creation of new alternative public education opportunities.

That is why I also am pleased that the agreement contains the Per Pupil Facility Financing and Credit Enhancement Initiatives, which will help charter schools facing financial burdens due to their lack of bonding or tax raising capabilities. As a result of their inability to raise resources, charter schools must spend more of their resources on operating costs, and fewer dollars on educational needs, such as hiring qualified teachers. To ensure that charter schools better spend their own resources on academic activities, and to address the special financial problems faced by charters, Title V, Part B, section 5205(b) directs the Secretary to make competitive awards to states as seed money for the development of innovative programs providing annual financing to charters schools on a per pupil basis for operating expenses, facility acquisition, leasing payments, and renovation. The language authorizes \$300 million for Part B, but designates \$200 million for subpart 1, Charter School Programs, other than 5205(b), and the next \$100 million in funding for the purpose of meeting the Per Pupil Facility Financing provisions in section 5205(b). Once funding levels for Part B, subpart 1 reaches \$300 million, any new funding above that level will be equally split between 5205(b) and subpart 1, the charter start up program.

To provide clearer understanding of this funding arrangement, I proposed, along with Senator GREGG, the following report language:

Charter schools are public schools, yet lack the bonding and taxing authority traditionally available to school districts to finance their facilities. As a result, charter schools are forced to use operating revenues that are intended to be spent in the classroom to pay rent or to make debt payments for facilities. States have the primary obligation to address this inequity. But, to stimulate state incentives, this conference report authorizes a limited-term federal role in encouraging states to establish or expand per pupil facilities aid programs.

Conferees support significant funding increases for the charter school program in order to free up resources, as quickly as possible, for the per-pupil financing program, a program that assists charter school in meeting their operating needs, so that charter school resources may be better spent on academic activities.

Title V, Part B, Subpart 2 of this conference report includes language from an amendment, S. Amdt. 518, to the

Senate bill, S. 1, which Senators CARPER, GREGG, and I cosponsored to provide funding for a competitive program awarded by the Secretary to entities that develop innovative credit enhancement initiatives that assist charter schools with the costs of acquiring, constructing and renovating facilities. This language was included in the Appropriations agreement for FY 01, but was never authorized under the ESEA. The program is authorized at \$150 million, and will provide critical funding for charter schools for renovations and repairs of facilities.

It is my belief that these provisions, combined with the strong public reporting requirements under section 1111 of Title I, will ensure that parents have tools and the options available to make real educational choices.

Title VI.—Flexibility and Accountability of the conference report contained a number of similar concepts as the Three R's bill. The Three R's plan established a clear accountability contract for Federal assistance: the federal government would provide far more resources and more flexibility than ever before to states and localities, and in exchange, states would be held accountable for measurable results. The bill significantly streamlined a wide range of Federal programs into a limited number of priority areas, especially under Titles II, III and VI, reduced the strings attached to those funds, and gave states and local districts broad latitude to focus those funds on their most pressing needs.

The conference report embraces the goal of greater flexibility and puts it into practice, so that local educators can best utilize federal resources to meet their specific challenges and do what is necessary to improve academic achievement. The conference report is not as streamlined as the Three R's plan. But it does consolidate a number of large and small programs, especially under Titles II and III, and provides States and local districts with additional flexibility to transfer funds from different accounts to target local priorities. It also creates two pilot programs to give States and local districts broad discretion to merge and consolidate federal funding.

Regarding Three R's consolidation and transferability, Title VI—High Performance and Quality Education Initiatives of the Three R's consolidated several Federal programs (21st Century Community Learning Centers, Technology programs, Innovative Programs block grant, and the Safe and Drug Free Schools program) into one formula program to States and local districts for the purpose of: (1) providing supplementary assistance for "School Improvement" to schools and districts that have been, or are at risk of being, identified as being in need of improvement under section 1116 of Title I; (2) providing assistance to local districts and schools for innovative programs and activities that transform schools into "21st Century Opportuni-

ties for students" by creating challenging learning environments and providing extra learning time; (3) providing assistance to districts, schools and communities to strengthen existing activities or develop and implement new programs that create "Safe Learning Environments"; and (4) creating "New Economy Technology Schools" by providing assistance for high quality professional development, educational technology infrastructure, technology training for teachers, and technology-enhanced curricula and instructional materials aligned with State content and student performance standards. Districts were required to spend 30, 25, 15 and 30 percent of funds, respectively, on the four areas.

Section 6005 required districts to ensure that programs and activities conducted were aligned with State content and student performance standards under section 1111; to establish annual measurable performance goals and objectives for each program; and to establish measures to assess progress by schools in meeting established objectives as well as holding schools accountable for meeting the objectives. Districts were required to annually publish and widely disseminate to the public a report describing the use of funds in the four purpose areas; the outcomes of local programs as well as an assessment of their effectiveness; the districts progress toward attaining its goals and objectives; and the extent to which such funding uses increased student achievement.

Based on the premise that districts that are achieving academic goals should have greater flexibility in deciding how to spend Federal resources, the Three R's allowed districts that were meeting adequate yearly progress—AYP—established by the State under section 1111, to transfer up to 30 percent of their program funds among the four purpose categories. Districts that were exceeding AYP would be allowed to transfer up to 50 percent of their funds across the four purpose categories.

If districts, however, failed to make AYP for two consecutive years, they would only be allowed to transfer 25 percent of program funds from three categories, and only into the School Improvement category. In addition, the State would have the authority to direct how remaining Title VI funds would be spent in the district. Districts that were under corrective action (as described in section 1116 of Title I) would lose all decision-making capacity over the use of Title VI funds and States would determine how funds would be spent. The bill called for a similar accountability structure between local districts and schools.

Regarding the conference report transferability and flexibility, although the conference report does not call for the same level of streamlining as called for under the Three R's, the Act does provide States and districts with flexibility similar to that established under the Three R's. Title VI,

Section 6123, allows States to transfer up to 50 percent of their State administrative and activity funds among the following Federal programs: Part A of Title II—Teacher and Principal Quality, Part D of Title II—Technology, Part A of Title IV—Safe and Drug Free Schools, Part B of Title IV—21st Century Community Learning Centers and Part A of Title V—Innovative Programs, Block Grants.

In addition, just as the Three R's linked the degree of flexibility allowed to the attainment of adequate yearly progress under section 1111 of Title I, school districts that are making AYP may transfer up to 50 percent of the following Federal program funds: Part A of Title II—Teacher and Principal Quality, Part D of Title II—Technology, Part A of Title IV—Safe and Drug Free Schools, and Part A of Title V—Innovative Programs, Block Grants. School districts that have been identified under section 1116 as being in need of improvement may only transfer 30 percent of the program funds, but shall only transfer funds into their set aside under section 1003 for turning around low-performing schools and into section 1116 activities. States and districts may transfer funds into Title I, but no funds may be transferred out of Title I. School districts in corrective action may not transfer any funds.

In addition, the conference report creates two pilot programs for states and districts to further expand opportunities for greater flexibility. Subpart 3 of Title VI gives the Secretary authority to award "State Flexibility Demonstrations" to up to seven states, and allows them to consolidate their state activity and administration funds under the following Federal programs: Part A of Title II, Part D of Title II, Part A of Title IV, Part A of Title V, and section 1004 of Title I. To be eligible, states must also have four to 10 local districts within the state that agree to participate and that will also consolidate similar funds and align them to the State Flexibility Demonstration. At least half of these local districts must be high poverty. Selected states would receive maximum flexibility in spending consolidated funds on any educational purpose authorized under the Act. States that failed to make AYP for two years would have their demonstration terminated.

States participating a demonstration must still meet all the accountability requirements from any of the programs from which funds are consolidated, including meeting the requirement in section 1119 in Title I and Title II that all teachers be highly qualified by the end of the 2005–2006 school year. The Act creates a similar demonstration program for localities. 150 districts (70 of which much come from the seven State Flexibility Demonstration States) may apply for a local flexibility demonstration from the Secretary; however, there shall only be three districts participating in any

State (except for the State Flexibility Demonstration States). These local districts would be allowed to consolidate funds from Part A of Title II, Part D of Title II, Part A of Title IV, and Part A of Title V. Participating districts would be given maximum flexibility over the use of funds for any educational purpose under this Act. School districts that failed to make AYP for two years would have their demonstration terminated.

Regarding state accountability, in return for substantial federal investment and flexibility over the use of funds, the Three R's demanded that States be held accountable for greater academic achievement for all students. Title VII of the bill required that States that failed to make adequate yearly progress under section 1111, or its established annual measurable performance objectives under titles II and III be sanctioned. Specifically, it required that, in the case of a state that failed to meet such goals for three years, the Secretary withhold 50 percent of that state's administrative funds from the relevant title. In the case of a state that failed to meet such goals for four years, the Secretary was required to withhold 30 percent of the state's funds under Title VI.

Three R's was based on the premise that states, in addition to school districts and schools, should be held accountable for the attainment AYP, and other state-wide goals and objectives established in Titles II and III. It recognized that in the history of the ESEA, no Secretary has imposed fiscal sanctions on States for failure, and so required that the Federal government impose tough sanctions on states that repeatedly fail to meet their own goals.

This Act does not contain the same degree of state-level accountability as envisioned under the Three R's bill, but does call for meaningful initial steps to hold States accountable for progress, and lays a solid foundation for stronger measures in the future. Specifically, under section 6161 of Title VI, it requires the Secretary of the U.S. Department of Education to, starting two years after implementation, annually review whether states have met their adequate yearly progress—AYP—established under section 1111 and the annual measurable objectives established under Title III. The Secretary must provide technical assistance to states that fail to meet AYP for two years, and may provide technical assistance to states, where any district receiving funds under Title III fails to meet the annual objectives established in such title. In addition, technical assistance must be valid, reliable, rigorous, and provide constructive feedback to each failing state. In order to ensure full public knowledge of a state's failure to meet its goals, the Secretary shall submit an annual report to the Congress containing a list of states that have failed to meet AYP; the teacher quality reporting requirements under section 1119; and a list of states that have

failed to meet the annual English proficiency and academic achievement objectives for limited English proficient students under Title III.

In order to clarify the intent behind this language, Conferees agreed to conference report language that makes it clear that Congress expects states identified by the Secretary to develop and implement improvement strategies that address the factors that led to failure and that will ensure the state meets AYP under Title I and its English proficiency objectives under Title III. I believe that this process will enable the Secretary to better follow the progress of states and take steps to help ensure that State meet their own established goals.

In addition, the conference report states:

Conferees stress that a fundamental purpose of Title I as established under this Act is to hold States, local educational agencies, and schools accountable for improving the academic achievement of all students, and for identifying and turning around low-performing schools. As a result, Conferees expect States to meet their definition of adequate yearly progress to the same degree as local school districts and schools. The Conferees further urge Congress and the Secretary to thoroughly examine the data collected from the State assessment systems and factor such information into future discussions on accountability measures for States, which should include consideration of the use of fiscal sanctions to hold those States that continually fail to meet their definition of adequate yearly progress and fail to improve the academic achievement of all students accountable.

Although I believe that more improvements could be made to better hold State accountable for academic progress, I do believe that the conference report contains strong requirements under sections 1111 and 1116 of Title I, Part A of Title II, and subpart 2 of Part A of Title III, to hold districts and schools accountable for meeting the goals of this Act. Such provisions take a new approach to accountability by requiring districts and/or schools to meet annual goals, make improvements after initial failure, and eventually imposing tough penalties on those that continually fail to improve.

Furthermore, the reporting requirements for state and district report cards in section 1111, and annual reports by States to the Secretary, in section 1111, annual reports by the Secretary to Congress, in section 1111 and section 6161, and the information provided under the National Assessment of Educational Progress as outlined in section 6302, will provide an incomparable wealth of information on academic achievement for parents, communities and the public. This unprecedented stream of annual information, combined with the substantial increase in public school choice provided to parents in Title I, section 1116, and Title V—Part B, under the Charter Schools Programs and the Voluntary Public School Choice Programs, will provide an infusion of the market forces of transparency, accessibility,

and competition into our nation's public school system. This dynamic will create for some of the greatest accountability that can exist—accountability by parents.

Regarding the National Assessment of Educational Progress, the conference report builds on the basic concept in the Three R's bill to provide parents and communities with greater awareness of the performance of schools as compared to other schools in a local school district, and as compared to other schools in the State. This conference report expands that aim by requiring in section 6302 of Part C of Title VI that States participate biennially in the National Assessment of Educational Progress—NAEP—of fourth and eighth grade reading and mathematics. States shall not be penalized based on their performance on the NAEP, but it is the intent that public knowledge of state performance will help drive states to develop more rigorous content and student academic achievement standards and assessments.

Mr. President, I want to end by briefly thanking my fellow Conference members and their staff for their hard work on this historic conference report, particularly Elizabeth Fay with Senator BAYH, Danica Petrosius with Senator KENNEDY, Denzel McGuire with Senator GREGG, Sally Lovejoy with Representative BOEHNER, Charles Barone with Representative MILLER, as well as all the Conference Committee staff. And, I would like to give a special thanks to Sandy Kress of the White House for all of his efforts in this process, and to Will Marshall and Andy Rotherham of the Progressive Policy Institute as well as Amy Wilkins of the Education Trust for their policy expertise. Finally, I want to thank my own staff for their hard work, particularly Michele Stockwell, Dan Gerstein, and Jennifer Bond.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield 3 minutes to my friend from Iowa, the champion for the disabled, the leader in our full funding for IDEA. He has also been a leader in terms of school construction. On so many of these issues, we have profited from his intervention.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank my chairman for his kind words and I thank him for his leadership. There is no doubt we need to make education the top priority in this Nation. No one in the entire country, let alone this Congress, has made this more of a top priority over all of the years we have been working on this issue than the chairman of our committee, Senator KENNEDY. I commend him and I commend Senator GREGG for their leadership and for working to bring this bill to fruition.

There is a lot in this bill. We know kids are behind in science. We know it has been level in the fourth and eighth

grades, but we know by the time they get to the twelfth grade they fall way behind. There is no doubt in my mind we need to make schools accountable and we need to make teachers and principals accountable. In order to do that we have to have the resources for it, and that is why I commend my friend, the Senator from Minnesota, Mr. WELLSTONE, who has fought so hard and so eloquently to keep pointing out time and time again we cannot demand accountability unless we include resources. I am hopeful, having passed this bill, that the Bush administration will follow through with support for the appropriations process.

I happen to chair the appropriations subcommittee that funds education. Now that we have the bill and we have the authorization, the next step is to get the appropriations.

I await the Bush budget next year. I want to see the budget President Bush is going to send down and I want to see if he is going to put the money behind the rhetoric and leave no child behind. That is really going to be the true test next year, the budget the President sends down.

Lastly, I want to thank all of the Senators who have worked so hard to try to get full funding for special education, to get it on the mandatory side, to get it off the plate where we are pitting kids with disabilities against other kids in our schools, to just get rid of that once and for all and make special education a mandatory funding item.

We had that in our bill. It was supported in the Senate by both Republicans and Democrats, and in conference, I might add. It was only because of the intransigence of the administration, in holding the Republicans on the House side, that we did not get full funding and we did not get mandatory funding for special education. One of the biggest losses in this bill is that we did not get mandatory full funding for special education because now we are going to be right back in that same rut again, with kids with special needs in schools fighting with their parents saying why should they get all this money, what about our kids in schools? And you are going to have continued problems until we step to the plate and we provide that 40 percent of funding we promised 26 years ago.

Lastly, I thank the chairman and Senator KENNEDY and Senator GREGG for including two provisions which I think are extremely important. One is the elementary and secondary school counseling program. I believe a lot of this violence is because kids are not getting good counseling. I thank them for keeping it in.

The second is the effort and equity formula for title I. It is important that States put in more money and equalize their funding so our poor kids get the money they need in the schools.

I thank Senator KENNEDY and Senator GREGG for keeping those two provisions in the final bill.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield 2 minutes to our friend from Michigan, Senator STABENOW.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I congratulate and thank Senator KENNEDY and Senator GREGG for their leadership and the tremendous amount of manhours to bring this legislation to this point. I thank all my colleagues deeply involved in this issue.

It is said that knowledge is power. We know that our country's economic engine is fueled by a skilled workforce. It is critical we focus on education. I know the main goal of the compromise bill is to narrow, over a 12-year period, the educational achievement gap between the poor, disadvantaged students and their more affluent peers, and between minority and nonminority students. Wide achievement gaps between these groups have been tolerated for decades at great personal and social cost.

We need to constantly repeat the fact that accountability is not just a test. It is parents, teachers, administrators, communities, and, yes, it is resources. I appreciate the fact there are additional resources designated in this bill.

However, while I intend to support this legislation, I am deeply disturbed and disappointed that we are not taking the opportunity to finally fulfill a 25-year promise regarding special education in this country. Fully funding IDEA is something whose time is past due. While it is not in this legislation, I am very concerned that we continue the fight so next year IDEA is reauthorized and we finally get it done.

As I talk to schools in Michigan, they tell me there would have been an additional \$460 million available to children in Michigan this year if we had just kept our promise.

Congratulations to all involved. We have more work to do and I look forward to working together.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield 3 minutes to the Senator from Florida who took a special interest in bringing greater targeting of funds to be used more effectively and also for further evaluation of the students to consider some of the challenges they are facing in their ability to learn.

The PRESIDING OFFICER. The senior Senator from Florida is recognized.

Mr. GRAHAM. I thank Senator KENNEDY for the leadership he has given over many years which has brought us to this point today.

I am very supportive of this legislation and will vote for it with enthusiasm. I do point out there are some areas where I think further action will be required. As we began this debate, there was an assumption, maybe a tacit assumption, that there was a common set of reasons for school failures. That tacit assumption was reinforced by the suggestion that for every

school failure there would be a one-size-fits-all prescription. That was school vouchers. The Senate and the conferees have wisely not adopted this approach.

However, there still remains the issue of an intelligent process to determine why schools fail. The reality is, anyone who has spent time in a variety of schools, as I know our Presiding Officer and I have had the opportunity to do, there are a variety of reasons why a school might be considered failing. Some of the reasons have to do with what is happening inside the school. Some of those reasons have to do with the neighborhood, the environment, the circumstances from which the students come and which adverse circumstances they bring to the schools.

For instance, it might be that an absence of effective health care causes students to come to school with a limited ability to learn. It may be because of nutritional restrictions. It may be because there are not sufficient activities in the communities to support what is happening inside the school. This legislation recognizes that and provides for a diagnostic process in which, when a school is identified largely based on the testing process, there will be a determination made as to what the reasons were for that specific school failing to educate its students.

This will put new responsibilities on a variety of institutions. It will put responsibilities on the community to provide resources through things such as public health services as well as nongovernmental agencies such as the United Way, YMCA, and the Boys and Girls Club, and on the Federal Government to bring to bear its agencies, particularly the Health and Human Services, to provide assistance in dealing with those out of the classroom reasons why schools are failing.

Again, I commend the conferees for their good work. I point out that this is an important chapter, but we have more chapters yet to be written. They will require the cooperation of all groups I have referred to in order to see we comprehensively deal and provide the appropriate description to why that specific school is failing.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. When I think of teacher recruitment, principal recruitment, rebuilding schools, or full funding, I think of the Senator from New York. I yield to the Senator from New York for 2 minutes.

Mrs. CLINTON. Mr. President, I thank our chairman for his extraordinary work. I also appreciate the leadership of our ranking member and indeed the entire committee that has worked so hard for nearly a year and has finished the work in a conference that has resulted in a bill which will in many respects increase the opportunities that our students will have for achieving the kind of educational levels for which every child deserves to strive.

We know this bill is far from perfect. However, we do know we have made a step forward. I appreciate greatly the targeting of title I funding, particularly for the highest need school districts in the State of New York. We will receive a 25-percent increase in title I funds and a 40-percent increase in teacher quality funds. For our neediest communities, that means a dramatic improvement in the resources available to focus their attention on those children for whom this bill is intended.

I share the disappointment of many of my colleagues that we were not able to bring about the full funding of special education. That is the No. 1 issue in New York that I hear about, whether I am in an urban, rural, or suburban district. I pledge to work with my colleagues in a bipartisan manner and to work with the administration so that next year when we reauthorize IDEA, we also fully fund it and make good on a promise that we gave to the American people more than 25 years ago.

I also appreciate the kind words of the chairman about teacher and principal recruitment, which was one of my highest priorities. If we do not attract and keep quality teachers in our classroom, everything that is in this bill will not amount to very much. We have to be sure we get the teachers and principals we need.

I am glad we have taken this step forward. I hope my colleagues will continue to support education for every child.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Senator GREGG, we will try to do this again.

First of all, I thank my colleagues for their fine work. Second, it is a little frustrating for me. There are many provisions in this bill that I had a chance to work on and to write. I am proud of it. But I have to say to the Senator and especially my conservative friends that this is a stunning unfunded mandate. You are taking the essence of grassroots political culture and school districts and telling every school district and every school to test every child in grades 3, 4, 5, 6, and 7—not just title I but every child in every school.

I have heard discussions about national priorities. This bill now makes education a national priority. But the only thing we have done is have a Federal mandate that every child will be tested every year, but we don't have a Federal mandate that every child will have the same opportunity to do well in these tests. If they do not do well, they will need additional help.

Colleagues, just because there is money for the administration of the tests doesn't mean this isn't one gigantic unfunded mandate.

Look at this in the context of recession, hard times, and the cutbacks in State budgets and cutbacks in education. Look at this in the context of our now adding a whole new require-

ment and telling every district they have to test, having high stakes and holding the schools accountable.

My colleague from New Hampshire said: Senator WELLSTONE, you are talking about the IDEA program, but that is not really ESEA, and that is separate from title I.

That is not what I hear in Minnesota.

I thank Senator HARKIN for championing this cause. What I hear at the local level is if we had given Minnesota the \$2 billion they would have gotten if we made it mandatory on a glidepath for full funding over the next 10 years, and \$45 million this year, I was told we would put 50 percent of it into children with special needs. But then we could have additional dollars for other programs. Right now, the Federal Government has not lived up to its promise. We are now taking our own money that we could be using for afterschool, for technology, for textbooks, for teacher recruitment, and we have to spend that money; whereas, we would have that additional money available if you would just provide the funding for IDEA. You can't separate funding for IDEA from any of the other educational programs.

This is not just about the children who have a constitutional right to have the best education. That is Senator HARKIN's, and it is his soul. He has made that happen.

This is also about all the other children and support for educational programs at the local level. Title I money has gone up. But in the context of economic hard times and all the additional families and children who are becoming barely eligible, I will tell you something. I know that some Senators do not like to hear this. We are in profound disagreement on this.

I think in our States we are going to hear from school board members and teachers, and we are going to hear from the educational community. They are going to say to us: What did you do to us? You gave us the tests, and then you gave us hardly anything that you said you would give us when it came to IDEA. You didn't provide the resources. You made this a giant unfunded mandate. You say you are going to hold our schools accountable, but by the same token, you haven't been accountable because you have not lived up to your promise.

They are right. I think there is going to be a real negative reaction from a lot of States. In my State of Minnesota, we have hard economic times. We are cutting back on education. We are laying off teachers.

I have two children who teach in our public schools. I have been to a school about every 2 weeks for the last 11 years. I believe I know this issue well. We are seeing all of these cutbacks. Minnesota is going to say: Why didn't you live up to your promise? You have given the tests and all this rhetoric about how it is a national priority, and I don't believe the Bush administration is going to make this a commitment next year. I do not know that you do.

Frankly, they now have this education bill. This was our leverage, which was to say we can't realize this goal of leaving no child behind—not on a tin cup budget—not unless you make this commitment. And there will be no education reform bill because it can't be reformed unless we live up to our commitment of providing the resources. And we have not.

I was in a school yesterday—the Phalen Lake School. I loved being there. It is on the east side of St. Paul. I don't think one of the students comes from a family with an income of over \$15,000, or maybe \$10,000 a year. It is just a rainbow of children with all kinds of culture and history. They are low-income children in the inner city.

Do you know why I went. They raised money to help the children in Afghanistan. The President asked them to do so. They are all beautiful. I loved being there. But do you want to know something. I know what those children need because there are teachers who tell me what they need. They need the resources for more good teachers and to retain those teachers. They need to come to kindergarten ready to learn without being so far behind.

Where is our commitment to affordable child care? We have \$2 trillion in tax cuts, and \$35 billion or \$40 billion in the energy bill as tax cuts for producers. Where is the commitment to developmental child care from this Congress?

I know what they need. They need more afterschool programs. They need a lot more title I money—not just 33 percent or 34 percent of these children but many more children, and more help for reading and smaller class size. They need all of that. We could have provided them a lot more, and we didn't.

I will vote no.

I yield the floor.

THE PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, how much time do I have remaining?

THE PRESIDING OFFICER. The Senator has 5 minutes 48 seconds.

Mr. GREGG. Mr. President, I again thank Senator KENNEDY and all the members of our staffs. I went over that in some length, and I specifically thanked our staff yesterday. I want to renew my thanks for their efforts. It has been extraordinary.

I also thank other members of the committee who worked with me from both sides of the aisle, and also the White House for its assistance.

I think it is important to note as we go into the final moments of this debate that we would not have gotten to this point unless we had the President, who understood how to lead on an issue of national importance.

The fact is that President Bush understands almost in a visceral sense—it totally absorbs him and his wife—that children are being left behind because our educational system is not working, and that we need fundamental reform of that system in order to try to improve it.

He came into office and was willing to lay out a very clear path for us as a Congress and as a Government to follow in trying to assist in the Federal role in elementary and secondary education. Because he was willing to lay out that path, we were able to pass a bill which takes major strides down the road to try to improve education in this country.

We all understand this is neither the end nor the beginning of the issue. We all understand that the Federal role in education is the tail of the dog.

We also understand, however, that the Federal role in education is not working, that we had 35 years of effort, that we had spent \$130 billion, and that we still have low-income children falling further and further behind and that something has to be done to try to address that. He has readjusted the whole approach. He has set up a program which is, No. 1, child-centered rather than bureaucracy-centered; that empowers parents and gives parents, especially of low-income children, an opportunity to do something when their children are locked into failing schools, gives them choices; gives the local communities much more flexibility over the dollars they are going to get from the Federal Government. But in exchange for that flexibility, we are going to expect academic achievement, and we are going to have accountability standards that show us whether or not the academic achievement is being obtained.

In the end, what we are doing with this bill essentially is creating opportunities for local school districts, States, and especially parents to take advantage of using their Federal dollars in a more effective way to educate the low-income child, and hopefully have that child be competitive with his or her peers.

In the end, we also understand that it will be the responsibility of the parents, of the schoolteacher, of the principal, and of the school system that is locally based to make the tough decisions and do the work that is necessary to produce the results and have the children compete.

At least that is the Federal role. We are now setting up a framework which will greatly assist parents, schools, and teachers in accomplishing that goal of making the low-income child competitive in America so they can participate in the American dream.

I especially want to thank the chairman of the committee for his efforts and for his courtesy during the markup of this bill.

THE PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time do I have?

THE PRESIDING OFFICER. The Senator has 5 minutes 26 seconds.

Mr. KENNEDY. I yield myself an additional 2 minutes of the leader's time.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, we have had a very good discussion and de-

bate today and yesterday. I expect we will have an overwhelming vote in support of the conference report by Senators from all different parts of the country who have varying views on educational issues. We recognize this is an important step forward.

I want to acknowledge, as I have on other occasions, the strong leadership of President Bush. This was a unique undertaking on his part. I can remember, as I am sure the Senator from New Hampshire can, being in this Chamber 2½ years ago when we had 3 weeks of debate in the Chamber and were unable to come to any kind of common position. We were facing the fact that the program that reaches out to the neediest of children was effectively going to be awash at sea.

That has changed. The President deserves great credit for that. Credit also goes to the able chairman of our conference, Congressman BOEHNER, our leader over in the House on education issues. There are many who contributed to this conference report, but GEORGE MILLER brings a special commitment to education, as does my friend and colleague from New Hampshire, Senator GREGG.

The reason this issue is so important is that it affects every family in this country; it is one that goes back to the earliest times of our Nation. Our Founding Fathers understood the importance of educating the whole of the public. It isn't just an accident that the first public schools were developed in this country. It was a really fundamental commitment that all the children were going to be educated. Virtually all the constitutions of our States are committed to the States ensuring a quality education for all the children of this Nation. That has not always been the case.

We have seen the great social movements that have taken place in this Nation. We understand the strong drive of parents for a quality education. It was at the heart of the women's movement. It was not only the right to vote, but the women's movement understood that young ladies, young girls ought to be able to receive a quality education. It took a long time, and now it would be unthinkable if we said we were going to educate everyone but women in our society.

Then it became the principal civil rights issue in the 1950s. Long before Dr. King and others spoke about civil rights, the principal civil rights issue was, were minorities going to be able to gain an education by opening up the doors of education? It became the principal civil rights issue.

We can understand why we have seen the progress we have made for the disabled in recent times. We have heard the statements by the Senator from Iowa, the Senator from Nebraska, and the Senator from Vermont about trying to assure a quality education for those students, which really follows a national concern and commitment that has been part of our tradition. We have

not always reached that commitment. But I think, when history examines where we have been and where we are going, those who have followed this issue will believe this is a historic piece of legislation and one that deserves the support of all of the Members of this body.

The legislation before us today is a blueprint for progress in all of the Nation's schools. It proclaims that every child matters—every child, in every school, in every community in this country. That is why this legislation is so important. School improvement and school reform are not optional; they are mandatory for us to achieve if we are going to meet our responsibilities to the next generation. When we fail our students, we fail our country. We cannot expect the next generation of Americans to carry the banner of progress and opportunity if they are not well prepared for the challenges that lie ahead.

This is a defining issue about the future of our Nation and about the future of democracy, the future of liberty, and the future of the United States in leading the free world. No piece of legislation will have a greater impact or influence on that.

In conclusion, what are we really trying to do? Now that we have put this issue into some kind of framework, we are assuring American families this is what this legislation is really all about: Greater opportunity for all of our students to achieve high standards. Extra help will be there for students in need. We are committed to high-quality teachers. We are committed to extra help in mastering the basics. We are committed to reducing the dropout rate. We are committed to providing guidance counselors. We are committed to assist young children who need mental health counseling. We are committed as well to the advanced placement in foreign language, American history, civics, economics, the arts, physical education, and the gifted and talented, and character education.

We have the pathways to American excellence. We are saying to families: If your child is doing well, with this legislation your child will do even better; if your child is failing in the public schools, with this legislation they will get the help they need.

This is the challenge for the schools: Reform in our American schools, having high standards, high expectations. We are going to insist on teacher training and mentoring, high-quality teachers in every classroom, smaller class size, early reading support, violence and drug prevention programs, more classroom technology, afterschool opportunities, high-quality bilingual instruction, new books for school libraries, and greater parental involvement.

This is the third and the important final dimension. This is the power we are going to be giving parents in States and local schools all across this country so that they will know what the achievement is for all the students, not

only their own but the other children who are in the classes, including children with disabilities and those with limited English proficiency, and minority and poor children. They will be able to find out what their graduation rates are, what the quality is of the teachers in those classrooms in high-poverty and low-poverty schools, and the percentage of highly qualified teachers.

This is our commitment. We are challenging the children in this Nation. We are challenging the schools in this Nation. And we are challenging the parents in this Nation. As has been pointed out in the course of the debate, finally, we are going to challenge ourselves. Are we in this Congress going to make this kind of an opportunity realized for all children in America, not just a third, but for all children to move along? That is a battle that is going to be fought on this Senate floor day in and day out over the years in the future. Are we going to expect that the States are going to meet their responsibilities in fulfilling this kind of a promise?

Those are the kinds of challenges we welcome. But we are giving the assurance to the American families that help is on its way.

This legislation deserves our support. I hope we will have an overwhelming vote on its adoption.

Madam President, I ask for the yeas and nays.

THE PRESIDING OFFICER (Mrs. CLINTON). Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

MR. KENNEDY. Madam President, I ask unanimous consent that at the conclusion of this vote, the staff be entitled to be make technical amendments.

THE PRESIDING OFFICER. Without objection, it is so ordered.

MR. LOTT. Mr. President, soon we will vote on passing H.R. 1—the Better Education for Students and Teachers, BEST, Act. As everyone knows, President Bush campaigned last year with a promise to do all that he could in the realm of education so that we as a nation would “Leave No Child Behind.”

The Republican majorities in the Senate and the House responded to the President's focus on comprehensive education reform by putting it at the top of the agenda in both chambers. The first bills introduced in both the Senate and the House—S. 1 and H.R. 1—were both named the Better Education for Students and Teachers Act. It is the conference report to that legislation that we are about to vote on, pass, and send to the President for him to sign into law as he promised.

President Bush recognizes that with almost 70 percent of our fourth graders who are unable to read at even a basic level, our children were and are at risk of being unable to compete in an increasingly complex job market. We all recognize that the ability to read the English language with fluency and comprehension is essential if individ-

uals, old and young, are to reach their full potential in any field of endeavor. As the saying goes: Reading Is Fundamental. And again, as President Bush has said, none of our children should be left behind because they can't read.

In reforming education, Republicans have always sought to maximize local control and flexibility over both education policy and federal funding while requiring schools to be accountable for the ultimate performance of their students. School accountability means schools must respect the rights of parents to know about their child's performance as well as the quality of a child's instructors and learning environment.

That is why the most significant change under the new law is that parents are empowered with new options. For the first time, parents whose children are trapped in failing public schools will be able to demand that a local school district give them a portion of the money available for their child under the Title I Disadvantaged Children program—approximately \$500 to \$1,000—so the parents can use it to get their child outside private tutorial support. Such tutorial support can come from public institutions, private providers or faith-based educators. Groups such as the Sylvan Learning Center, Catholic schools, the Boys & Girls Club, and a variety of other agencies will be able to help these children come up to speed in the areas of math and English. This provision has the potential to fundamentally impact the way low-income children are educated in America.

Not only will parents have the right to demand money for tutorial assistance for their children, but whenever their children are trapped in failing public schools they will also be able to demand that their child be able to attend another public school which is not failing—and to have their child's transportation costs to the new school paid for by the local school district. This ensures parents are able to access better performing schools for their children.

So, while the bill does not allow parents to access private schools as some have proposed, it does allow a parent to get their child out of a failing public school and move them to a public school where they can get adequate education. The effect of this strong public school choice provision will be to put pressure on those public schools within a major school system that are failing to improve or find itself without any students. But fundamentally, this provision gives parents a viable option for giving their child a chance to succeed not just in school, but in life.

Groups of concerned parents and educators will also have enhanced rights under the BEST Act. The bill creates a major new expansion of self-governing Charter Schools. Charter Schools enable parents, educators, and interested community leaders to create schools

outside the normal bureaucratic structure of moribund educational establishments and much of the red tape contained in local, state, and federal regulations. This legislation will significantly expand the opportunity for parents, foundations, and other groups to create Charter Schools and help them succeed without interference from education bureaucrats and politicians who are hostile to Charter Schools.

One of our primary goals in this bill as Republicans was to give states and local communities significantly more flexibility over the management of Federal dollars they receive, and to pare down the amount of red tape that comes with the Federal dollars. While not as strong as we would have liked, there are a series of initiatives in this bill that offer significant help in this regard.

State and local governments, and local school districts, will be able to move up to 50 percent of their non-title I funds from one account to another without Federal approval. This means funding for teacher quality, technology innovation programs, safe and drug-free schools, and other programs would all be open to movement of Federal funds from account to account depending on where a State or local community, and not Washington, DC, feels that it can get the most benefit from the dollars.

In addition, 150 school districts—at least three per State—would be able to apply for waivers from virtually all Federal education rules and requirements associated with a variety of ESEA programs, in exchange for agreeing to obtain higher than required levels of achievement for their low-income students. This provision gives local communities dramatic new flexibility in running their schools.

Seven whole States, if they volunteer, may participate in a demonstration program which would allow Federal funds—other than title I funds—to be used by the State for any educational activity authorized by H.R. 1. Therefore, States would have greater control over such funds as the innovative block grant program, State administration component of title I, State administration/State activities components of title I, Part B and other Federal funds.

Another significant accomplishment of this bill is the streamlining and consolidation of the number of Federal education programs, which often led to confusion and duplication of efforts. Under current law there are 55 Federal education programs for elementary and secondary schools. This bill makes a down payment on further consolidation by reducing the total number of programs to 45, despite creating several new programs in the bill. This consolidation, although not as dramatic as one would like, is a significant improvement.

The bill also includes reforms to improve teacher quality and training. It includes the Teacher Empowerment

Act which takes numerous existing professional development programs for Teachers and the current Class Size Program and merges them into one flexible program which allows local districts to use the funds as they see best for the purposes of hiring teachers, improving teacher professional development, or providing merit pay or other innovative ways to reward and retain high quality teachers.

The bill continues the initiative in current law called the Troops to Teachers program that encourages retired members of the Armed Services to become teachers. The bill also directs that 95 percent of the Federal funds targeted for teacher quality go directly to local school districts. And while the bill provides funds to be used for the recruitment of hiring qualified teachers, it explicitly prohibits funds from being used to plan, develop, implement or administer any mandatory national teacher or professional test or certification. In other words, Federal funds cannot be used to create a national teacher certification system.

Teachers are also given legal protection under the Teacher Liability Act contained within the bill which will shield teachers, principals and other school professionals from frivolous lawsuits. It is a major piece of lawsuit reform that will help ensure that teachers and other school professionals have the ability to maintain discipline, order, and a proper learning environment in the classroom without having to fear losing their home or their life savings.

H.R. 1, the BEST Act, also reorganizes bilingual education initiatives so that the emphasis is now on teaching English rather than separating children who do not speak English and putting them into an atmosphere where they never actually learn English. It also gives the parents of bilingual children the right to demand information about the classes and instructional programs their children are placed in. Most importantly, they are given the right to object to their children's placement or classes to ensure that their children do not end up being locked in a limited-English situation. This is one of the bill's most significant achievements as it involves much needed reforms to a program critical to the success of students with limited English proficiency. It provides accountability to a program which has been misdirected for too long.

The final major accomplishment of H.R. 1 is that it imposes stringent accountability standards on schools and their performance with the goal of assuring that low income students are learning at a level that is equal to their peers. In accomplishing this goal, the bill specifically prohibits federally sponsored national testing or Federal control over curriculum. It sets up a series of tests to ensure that any national test, such as NAEP, which is used for evaluation purposes is fair and objective, and does not test or evaluate a child's views, opinions, or beliefs.

The bill also includes a trigger mechanism so that State based testing requirements are paid for by the Federal Government, not states or local school districts, thus avoiding an unfunded mandate.

Finally, the bill contains several provisions which are important to ensure that Federal funds are used appropriately and objectively without bias. The bill denies Federal funds to any school district that prevents or otherwise denies participation in constitutionally-protected voluntary school prayer. Funding is also denied any public school or educational agency that discriminates against or denies equal access to any group affiliated with the Boy Scouts of America. It requires that the Nation's Armed Forces recruiters have the same access to high school students as college recruiters and job recruiters have. Schools will also be required to transfer student disciplinary records from local school districts to a student's new private or public school so discipline and safety issues are fully appreciated and anticipated by administrators, teachers, parents, and, of course, new classmates at their new school.

President Bush's agenda for education reform as embodied in this bill serves as a framework for common action, encouraging all of us, Democrat, Republican, and Independent, to work in concert to strengthen our elementary and secondary schools to, as the President says, "build the mind and character of every child, from every background, in every part of America."

Madam President, I do want to say, since we are about to begin the vote, how much I appreciate the outstanding leadership and work that has been done by Senator GREGG and Senator KENNEDY. Without their indomitable spirit, it would not have happened. We are indebted to them.

I yield the floor.

Mr. DASCHLE. Mr. President, it has been said that free schools preserve us as a free Nation. I believe that this education bill will strengthen our schools, and strengthen our Nation long into the future.

Much has happened since we began work on this bill to update Federal elementary and secondary education programs.

We were well on our way to reaching a bipartisan consensus on this bill last spring when control of this institution changed.

That unprecedented shift could have thrown this effort into the limbo of partisan gridlock. But we continued to move forward and in June, we passed a strong, bipartisan bill.

Then came the terrible events of September 11 and, a month after that, the anthrax attacks.

Even as we focused on urgent national security concerns, from strengthening airline security to making sure our military has what it needs to dismantle the terrorists' networks, members of the education conference

committee continued to work together and iron out differences between the Senate and House versions of this bill.

No one deserves more credit for getting this bill done this year than TED KENNEDY, a man who has spent the last 40 years of his life working to make sure that every child in America has the opportunity to go to a good public school.

I want to commend Chairman KENNEDY, and all the members of the conference committee who worked long and hard on this bill, and kept their eyes on the prize, even during the turmoil of the last three months.

President Bush also deserves credit for helping to put education first, and convincing the doubters in his party that the Federal Government must be a partner in the effort to strengthen America's public schools for all children.

The last time we authorized the Elementary and Secondary Education Act, there were those in the President's party who advocated abolishing the Federal role in education. Instead, President Bush came to us with a serious proposal and a serious commitment to make progress for our children.

He built his proposal around the principle that all children must be given the chance to succeed in school. He agreed that we must have high standards for success in every classroom in every school in every community.

He recognized that reading is, indeed, the foundation of all learning. Without reading, the job manuals and newspapers stay closed, the Internet is a dark screen, the world of discovery is worlds away, and the promise of America is, simply a closed book.

He said we have to measure results, so parents and communities can know what is working, and what isn't.

We were pleased that the President was willing to support several measures Democrats have long advocated.

This new law sets high standards for all teachers. It also provides communities with help, if they need it, to recruit, hire and train new teachers so that every classroom can be led by a qualified, effective teacher.

Under this law, low-performing schools will get the help they need to turn around, and face consequences if they fail.

Immigrant and bilingual children who need extra help to succeed in school and learn English will get that help.

And communities that require help meeting the needs of their most disadvantaged students will get it.

I am pleased that the conferees stripped provisions that many of us thought would ultimately be damaging to public schools. The bill does not allow limited Federal resources to be siphoned off to private schools through ill-advised voucher schemes. It also does not give States blank checks with no accountability, as had been proposed by supporters of the Straight As block grant program.

I am disappointed, however, that this bill does not provide full funding for the Individuals with Disabilities Education Act, or IDEA. Senator JEFFORDS is right: we made a commitment more than 25 years ago to provide 40 percent of the cost of this program; so far, we have failed in that commitment. We need to do better.

Though we finish this bill today, the work of improving our children's schools does not end. This bill lays out a blueprint for reform. But we know that real reform cannot occur without real resources.

Our schools face real challenges: the generation now passing through our schools has surpassed the Baby Boom in size, and school enrollments are expected to rise for the next decade; a large part of the teaching corps is getting ready to retire. Schools will have to hire more than 2 million new teachers over the next decade; diversity in the classroom is increasing, bringing new languages, cultures, and challenges; technology is revolutionizing the workplace and our society as a whole. Schools must keep up with the pace of change, by helping students gain important skills in technology, and by taking advantage of technological capabilities to advance learning for all children.

The first test of whether we are serious about meeting those challenges and keeping the commitments this bill makes will occur this week, when we take up the Labor-HHS appropriations bill.

The details of that bill are still being finalized, but we expect it will provide communities with an additional \$4 billion to meet their new responsibilities under these programs. We must make sure that money is there not only next year, but every year.

This bill meets many of our greatest education challenges in word. I hope that this and future Congresses will ensure the resources are there to meet them in deed.

That is the only way that we can strengthen our schools and move our Nation closer to becoming a land of opportunity for every child.

It is with the understanding that we still have work ahead of us, I give this bill my strong support, and I urge my colleagues to do so as well.

The PRESIDING OFFICER. The Senator from Minnesota has 3 minutes remaining.

The Senator from Minnesota.

Mr. WELLSTONE. Madam President, actually, I think I have said what I wanted to say. I feel as though I was speaking for a lot of people in Minnesota and around the country.

My colleagues, I have figures I will leave everyone in terms of our national commitment.

In 1979, close to 12 percent of the Federal budget was devoted to education. It is now down to 7 percent.

If we just were where we were in 1979, 30 some years ago, we would be allocating an additional \$21 billion to edu-

cation today. I have heard colleagues say that this is all about equal opportunity for every child. There is nothing I believe in more. I know Senators can agree to disagree.

If I had one vision, one hope, one dream that I cared more about for Minnesota and the country than any other, it would be that every child, starting with the littlest of the children, regardless of color of skin, urban/rural, income, gender, every child would have the same chance to reach her or his full potential. That is the goodness of our country.

When I was in Phalen Lake school yesterday, that was the goodness of that school, those teachers and what they were trying to do under incredibly difficult circumstances. I wish I could believe that this bill lived up to that promise. When I look at the resources, it doesn't.

Make no mistake about it, a test every year doesn't give our schools the resources to either recruit or to retain more teachers. A test every year does not lead to smaller class size. It doesn't lead to better lab facilities. It doesn't lead to more reading help for children who need the help. It doesn't lead to better technology. It doesn't lead to more books. It doesn't lead to making sure the children are prepared when they come to kindergarten. Many of them are so far behind. It doesn't mean we will have afterschool programs. It doesn't mean any of that.

I am all for accountability. I am all for testing and accountability to see how the reform is doing. I am not for the argument that the actual testing represents the reform.

We have done one piece, the accountability. We haven't given our children and our schools and our teachers the resources they need.

One final time, I have shouted it from the mountaintop 1,000 times on the floor: Mr. President, you cannot realize the goal of leaving no child behind, the mission of the Children's Defense Fund, on a tin cup budget. That is what you have given us.

I vote no.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the conference report to accompany H.R. 1.

The yeas and nays have been ordered. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 10, as follows:

[Rollcall Vote No. 371 Leg.]

YEAS—87

| | | |
|-----------|------------|-------------|
| Allard | Domenici | Lugar |
| Allen | Dorgan | McCain |
| Baucus | Durbin | McConnell |
| Bayh | Edwards | Mikulski |
| Biden | Ensign | Miller |
| Bingaman | Enzi | Murray |
| Bond | Feinstein | Nelson (FL) |
| Boxer | Fitzgerald | Nickles |
| Breaux | Frist | Reed |
| Brownback | Graham | Reid |
| Bunning | Gramm | Roberts |
| Burns | Grassley | Rockefeller |
| Byrd | Gregg | Santorum |
| Campbell | Harkin | Sarbanes |
| Cantwell | Hatch | Schumer |
| Carahan | Hutchinson | Sessions |
| Carper | Hutchison | Shelby |
| Chafee | Inhofe | Smith (NH) |
| Cleland | Inouye | Smith (OR) |
| Clinton | Johnson | Snowe |
| Cochran | Kennedy | Specter |
| Collins | Kerry | Stabenow |
| Conrad | Kohl | Stevens |
| Corzine | Kyl | Thomas |
| Craig | Landrieu | Thompson |
| Crapo | Levin | Thurmond |
| Daschle | Lieberman | Torricelli |
| DeWine | Lincoln | Warner |
| Dodd | Lott | Wyden |

NAYS—10

| | | |
|----------|-------------|-----------|
| Bennett | Hollings | Voinovich |
| Dayton | Jeffords | Wellstone |
| Feingold | Leahy | |
| Hagel | Nelson (NE) | |

NOT VOTING—3

| | | |
|-------|-------|-----------|
| Akaka | Helms | Murkowski |
|-------|-------|-----------|

The conference report was agreed to.
Mr. KENNEDY. I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table. The motion to lay on the table was agreed to.

CORRECTING ENROLLMENT OF H.R. 1

Mr. DASCHLE. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 289, which is at the desk; that the Kennedy-Gregg amendment to the concurrent resolution be considered and agreed to, and the motion to reconsider be laid upon the table; that the concurrent resolution, as amended, be agreed to, and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2640) was agreed to, as follows:

Strike all after the resolving clause and insert the following: "That in the enrollment of the bill (H.R. 1) to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind, the Clerk of the House of Representatives shall make the following corrections:

On page 1, in section 2 of the bill, insert the following after the item for section 5: "Sec. 6. Table of contents of Elementary and Secondary Education Act of 1965."

On page 1, in the item for section 401 of the bill, strike "century" and insert the following: "Century".

On page 1, strike the item for section 701 of the bill and insert the following:

Sec. 701. Indians, Native Hawaiians, and Alaska Natives.

On page 2, in the item for section 1044 of the bill, strike "school" and insert the following: "School".

On page 4, in the item for section 1121, strike "secretary" and "interior" and insert the following: "Secretary" and "Interior".

On page 5, in the item for section 1222, strike "early reading first" and insert the following: "Early Reading First".

On page 6, in the item for section 1504, strike "Close up" and insert the following: "Close Up".

On page 6, strike the item for section 1708.

On page 12, in the item for section 5441, strike "Learning Communities" and insert the following: "learning communities".

On page 14, in the item for section 5596, strike "mination" and insert the following: "Termination".

On page 25, line 31, strike "Any" and insert the following: "For any".

On page 25, line 32, after "part" insert the following: ", the State educational agency".

On page 25, line 33, after "developed" insert the following: "by the State educational agency".

On page 30, line 3, after "students" insert the following: "(defined as the percentage of students who graduate from secondary school with a regular diploma in the standard number of years)".

On page 33, after line 35, insert the following:

"(K) ACCOUNTABILITY FOR CHARTER SCHOOLS.—The accountability provisions under this Act shall be overseen for charter schools in accordance with State charter school law.

On page 34, lines 2, 15, and 31, strike "State" and insert the following: "State educational agency".

On page 38, line 29, strike "section 6204(c)" and insert the following: "section 6113(a)(2)".

On page 39, line 11, strike "(2)(i)(I)" and insert the following: "(2)(I)(i)".

On page 40, line 22, strike "State" and insert the following: "State educational agency".

On page 41, lines 28, 33 (the 2d place it appears), and 35 strike "State" and insert the following: "State educational agency".

On page 42, lines 8, 19, 23 (each place it appears), and 27, strike "State" and insert the following: "State educational agency".

On page 44, lines 24 and 35, strike "State" and insert the following: "State educational agency".

On page 46, lines 6 and 7, strike "A State shall revise its State plan if" and insert the following: "A State plan shall be revised by the State educational agency if it is".

On page 46, lines 12 and 13, strike "by the State, as necessary," and insert the following: "as necessary by the State educational agency".

On page 46, lines 15 and 16, strike "If the State makes significant changes to its State plan" and insert the following: "If significant changes are made to a State's plan".

On page 46, lines 19 and 20, strike "the State shall submit such information" and insert the following: "such information shall be submitted".

On page 48, line 23, strike "(b)(2)(B)(vii)" and insert the following: "(b)(2)(C)(vi)".

On page 50, lines 2, 12, and 18, strike "State" and insert the following: "State educational agency".

On page 52, line 9, strike "State" and insert the following: "State educational agency".

On page 62, lines 3 and 4, strike "baseline year described in section 1111(b)(2)(E)(ii)" and insert the following: "the end of the 2001–2002 school year".

On page 90, line 10, strike "defined by the State" and insert the following: "set out in the State's plan".

On page 94, line 32, strike "State" the first place it appears and insert the following: "State educational agency".

On page 104, line 25, insert the following: "identify the local educational agency for improvement or" before "subject the local".

On page 120, line 28, after "teachers" insert the following: "in those schools".

On page 130, line 34, strike "subsection (b)" and insert the following: "subsection (c)".

On page 185, lines 24 and 25, strike "fully qualified" and insert the following: "highly qualified".

On page 227, line 16, strike "subsection (c)(1)(F)" and insert the following: "subsection (c)(1)".

On page 227, line 17, strike "9302" and insert the following: "9305".

On page 274, line 23, strike "States" and insert the following: "State".

On page 274, line 33, strike "1111(b)" and insert the following: "1111(h)(2)".

On page 275, line 19, insert a period after "school year".

On page 276, lines 20 and 25, strike "supplemental services" and insert the following: "supplemental educational services".

On page 283, line 25, strike "and" after the semicolon.

On page 283, line 31, strike "(d)" and insert the following: "(e)".

On page 284, line 1, strike "Congress".

On page 284, line 6, strike "(e)" and insert the following: "(f)".

On page 290, lines 14 and 22, strike "section" and insert the following: "part".

On page 293, line 4, strike "section" and insert the following: "part".

On page 556, line 1, strike "DEFINITIONS" and insert the following: "DEFINITION".

On page 599, line 23, strike "the No Child Left Behind Act of 2001" and insert the following: "under any title of this Act".

On page 600, line 12, strike "the No Child Left Behind Act of 2001" and insert the following: "under any title of this Act".

On page 601, line 4, strike "the No Child Left Behind Act of 2001" and insert the following: "under any title of this Act".

On page 601, line 9, strike "DEFINITIONS" and insert the following: "DEFINITION".

On page 601, line 10, strike "terms 'firearm' and 'school' have" and insert the following: "term 'school' has".

On page 620, line 22, strike "the No Child Left Behind Act of 2001" and insert the following: "under any title of this Act".

On page 635, line 14, strike "(b)" and insert the following: "(c)".

On page 635, line 20, strike "(c)" and insert the following: "(d)".

On page 781, line 32, insert closing quotation marks and a period after the period.

On page 873, line 25, amend the heading for section 701 to read as follows:

SEC. 701. INDIANS, NATIVE HAWAIIANS, AND ALASKA NATIVES.

On page 955, after line 6, insert the following:

TITLE IX—GENERAL PROVISIONS

SEC. 901. GENERAL PROVISIONS.

Title IX (20 U.S.C. 7801 et seq.) is amended to read as follows:

On page 1004, at the end of line 2, insert closed quotation marks and a period.

The concurrent resolution (H. Con. Res. 289), as amended, was agreed to.

Mr. DASCHLE. I yield the floor.

AGRICULTURE, CONSERVATION, AND RURAL ENHANCEMENT ACT OF 2001—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows: